

**Zoning Commission Case No. 18-21
(Consolidated PUD and Related Map Amendment)
Proffers and Conditions
May 2, 2019**

<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 as the building design is sculpted away from the neighboring residences to the north and west, Moreover, the buildings are set back at the 6th story in accordance with the SAP 	<p><u>Condition A-1:</u> The PUD shall be developed in accordance with the plans titled “Hanover 8th Street”, prepared by KTG Architecture + Planning, dated April 4, 2019, and marked as Exs. 25A1-25A6 of the record, as revised by the “Revised Signage Plan” marked as Ex. 33B (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 Applicant will construct an approximately 5,150 square foot landscaped entry plaza in between the two residential buildings that will include seating for the public as well as the buildings’ residents. The Applicant will provide a drinking fountain in the entry plaza for use by runners, bikers and pedestrians. 	<p><u>Condition B-1:</u> Prior to the issuance of a final certificate of occupancy for the Project, the Applicant shall construct an approximately 5,150 square foot landscaped entry plaza with improvements as shown on Sheets L08 through L09 of the Plans</p> <p><u>Condition B-2:</u> Prior to the issuance of a final certificate of occupancy for the Project, the Applicant shall install a drinking fountain in the entry plaza for use by runners, bikers and pedestrians.</p>
<p><u>Housing and Affordable Housing</u> <i>Subtitle X § 305.5 (f) and (g)</i></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. 	<p><u>Condition B-3:</u> The Applicant shall provide the affordable housing as set forth in this condition.</p> <p>a. <u>For the life of the Project</u>, the Applicant shall provide the following housing and affordable housing set forth in the</p>

<p>Overall, the Project will replace an underutilized industrial site with approximately 377 units. This amount of housing 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.</p> <ul style="list-style-type: none"> • The Applicant will set aside approximately 12% of the gross floor area of the overall Project (i.e., based on the residential use provided in both the building and the penthouse) as affordable units at varying levels of the median family income (“MFI”), which will create a mixed-income community. The Applicant will set aside approximately 46 units as IZ units.¹ • The affordable housing will be set aside as follows: 6% of the affordable gross floor area at 30% MFI, 14% of the affordable gross floor area at 50% MFI, 67% of the affordable gross floor area at 60% MFI, and 13% of the affordable gross floor area at 80% MFI. • The Applicant will reserve two three-bedroom units as IZ units. • The Applicant will reserve one “townhouse style” unit on the ground floor fronting on 8th Street, N.E. as an IZ unit. 	<p>following chart**:</p> <ul style="list-style-type: none"> b. <u>For the life of the Project</u>, the Applicant shall reserve two of the three-bedroom units as IZ units. c. <u>For the life of the Project</u>, the Applicant shall reserve one of the “townhouse style” units on the ground floor fronting on 8th Street, N.E. as an IZ unit. d. 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.
--	---

¹ The Applicant is continuing to work with OP and DHCD to determine whether they can reserve one of the IZ units for seniors. The Applicant will provide a response to that request in the Post-Hearing Submission due on May 9, 2019. To the extent that any commitment is made, it will be included in the Applicant’s BAFO submission on May 16, 2019.

<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 LEED Gold standards under the LEED v4 Multifamily Midrise standard, which is specifically tailored to the unique aspects of multifamily buildings and includes prescriptive requirements for onsite testing and performance. The Applicant intends to seek LEED Gold certification of the Project under the LEED v4 Multifamily Midrise standard. • The Project includes approximately 2,750 square feet solar panels that are anticipated to generate approximately 1% of the energy for the Project. 	<p><u>Condition B-4:</u> <u>The Applicant shall submit with its building permit application</u>, a checklist evidencing that the Project has been designed to LEED Gold standards under the LEED v4 Multifamily Midrise standard.</p> <p><u>Condition B-5:</u> <u>Prior to the issuance of a final certificate of occupancy for the Project</u>, the Applicant shall install approximately 2,750 square feet of solar panels on the building’s roof, as shown on Sheet A20-A22 of the Plans.</p>
<p><u>Streetscape plans</u> <i>Subtitle X § 305.5(l)</i></p> <ul style="list-style-type: none"> • The streetscape and landscape design for the Project fosters a pedestrian-friendly environment along the perimeter of the Site where one does not currently exist. The streetscape will include an 8-foot wide planting strip adjacent to the curb with ornamental trees to separate pedestrian and vehicular traffic. In addition, the streetscape will also include an 8- to 10-foot wide sidewalk with benches and bike racks that will promote safe pedestrian traffic. • The Applicant will provide a one-foot clearance on both sides of the Site’s proposed sidewalk, future design of the Metropolitan Branch Trail shared use path. 	<p><u>Condition A-2:</u> <u>Prior to the issuance of a final certificate of occupancy for the Project</u>, the Applicant shall construct the streetscape and landscape improvements as shown on Sheets L02 through L10 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>Condition B-6:</u> <u>Prior to the issuance of a final certificate of occupancy for the Project</u>, the Applicant shall provide a one-foot clearance on both sides of the Site’s proposed sidewalk, to accommodate the future design and location of the Metropolitan Branch Trail.</p>

Transportation infrastructure *Subtitle X § 305.5(o)*

- Extensive Transportation Demand Management Plan.

Condition B-7: During the operation of the building (unless otherwise noted), the Applicant shall provide a Transportation Management Program as follows:

- a. The Applicant shall identify a TDM Leader (for planning, construction, and operations) at the building, who will act as a point of contact with DDOT/Zoning Enforcement with annual updates. The TDM Leader shall work with residents to distribute and market various transportation alternatives and options. The TDM Leader shall receive training from goDCgo to learn about TDM conditions for the Project and available options for implementing the TDM Plan. The TDM Leader shall also subscribe to goDCgo’s residential newsletter.
- b. The Applicant shall share the full contact information of the TDM Leaders for the Project with DDOT and goDCgo (info@godcgo.com).
- c. The Applicant shall provide TDM materials to new residents in the Residential Welcome Package materials, which at a minimum shall the Metrorail pocket guide, Capital Bikeshare coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map.
- d. The Applicant shall work with DDOT and goDCgo (DDOT’s TDM program) to implement TDM measures at the site.
- e. The Applicant shall post all TDM commitments online for easy reference.
- f. The Applicant shall exceed Zoning requirements by providing 125 long-term bicycle parking spaces in the Project’s garage. The long-term bicycle storage room

	<p>shall accommodate non-traditional bicycles including, but not limited to cargo, tandem, and children's bicycles.</p> <ul style="list-style-type: none"><li data-bbox="824 338 1430 443">g. The Applicant shall provide 20 short-term bicycle parking spaces along 8th Street, N.E. adjacent to the Site.<li data-bbox="824 478 1430 621">h. All parking on site shall be priced at market rates, at minimum, defined as the average cost for parking in a 0.25-mile radius from the Site.<li data-bbox="824 657 1430 762">i. The Applicant shall unbundle the cost of residential parking from the cost of lease or purchase of each unit.<li data-bbox="824 798 1430 1014">j. The Applicant shall provide a \$100 SmartTrip Card for the first two years of occupancy of the buildings to each incoming unit. A proactive marketing strategy shall be provided to ensure residents are aware of this benefit.<li data-bbox="824 1050 1430 1155">k. The Applicant shall provide a bicycle repair station to be located in the bicycle storage room.<li data-bbox="824 1190 1430 1295">l. The Applicant shall provide an on-site business center to residents with access to internet services.<li data-bbox="824 1331 1430 1692">m. The Applicant shall install a Transportation Information Center Display (electronic screen) within the residential lobby of each building. At a minimum the Transportation Information Center Display shall include information about nearby Metrorail stations and schedules, Metrobus stops and schedules, car-sharing locations, and nearby Capital Bikeshare locations indicating the availability of bicycles.<li data-bbox="824 1728 1430 1871">n. The Applicant shall provide at least 7 shopping carts in the residential buildings for residents to use for running errands and grocery shopping.
--	--

<ul style="list-style-type: none"> • The Applicant will remove the PUD from the District’s Residential Parking Permit (“RPP”) program in order to alleviate on-street parking concerns of the surrounding neighborhood. 	<ul style="list-style-type: none"> o. The Applicant shall provide at least three vehicle charging stations within the Project’s garage. p. The Applicant shall not lease unused residential parking spaces to anyone aside from buildings’ tenants. q. The Applicant shall install two (expansion plates of four docks each to the Capital BikeShare station at 10th and Monroe Street, N.E. The maximum amount the Applicant will pay for this benefit is \$12,000. r. The Applicant shall offer a one year Capital Bikeshare membership to each unit at the initial lease up. s. The Applicant shall provide residents who wish to carpool with detailed carpooling information and will refer them to other carpool matching services sponsored by Metropolitan Washington Council of Governments (MWCOG) or other comparable service it MWCOG does not offer this in the future. <p><u>Condition B-8:</u> <u>During the operation of the building,</u> the Applicant shall include a rider in all residential leases that restricts residential tenants from obtaining RPPs².</p>
--	---

² The Applicant is evaluating additional options for enforcement of this commitment, which will be addressed in its Post-Hearing Submission due on May 9, 2019. Based on that submission, the Applicant will propose additional language in the Applicant’s BAFO submission on May 16, 2019.

**Arts Uses in Furtherance of the Brookland-
CUA Small Area Plan** *Subtitle X § 305.5(r)*

- To foster artistic uses in the neighborhood as called for in the SAP, the Applicant will contribute \$75,000 to Dance Place. The Applicant's contribution will help fund the Energizers Program that is centered on-site at Dance Place's home campus in Ward 5. The Applicant's contribution will be \$25,000 per year for three years (\$75,000 total). Specifically, the \$25,000 per year will fund eight scholarships for camp, 20 weeks of job training for 14 teenagers, and five scholarships for the Energizers Afterschool Program.

Condition B-9: Prior to the issuance of a final certificate of occupancy for the Project, the Applicant shall contribute \$50,000 to Dance Place, which represents two years of the Applicant's contribution. The Applicant's contribution of \$25,000 per year shall fund eight scholarships for camp, 20 weeks of job training for 14 teenagers, and five scholarships for the Energizers Afterschool Program. 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 or are being provided.

Condition B-10: Prior to the issuance of a final certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has created an escrow account and funded it with \$25,000, which represents the third year of the Applicant's contribution. The escrow account shall be structured such that the funds shall be released to the Dance Place to fund eight scholarships for camp, 20 weeks of job training for 14 teenagers, and five scholarships for the Energizers Afterschool Program.

**Uses of special value to the neighborhood or
the District of Columbia as a whole** *Subtitle X § 305.5(q)*

- The Applicant will contribute \$10,000 to the Beacon House which engages over 300 boys and girls in the Edgewood neighborhood annually in award-winning programs. The Applicant's contribution will support the Beacon House's summer camp, which serves approximately 90 children over five weeks.

Condition B-11: Prior to the issuance of a final certificate of occupancy for the Project, the Applicant shall contribute \$10,000 to the Beacon House to support the Beacon House's summer camp. 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 or are being provided.

- The Applicant will contribute \$24,000 to the Edgewood Civic Association for the creation of an Edgewood Street Festival. The Applicant’s contribution will fund various elements, including but not limited to, the cost of an event coordinator, equipment rental, food and beverage services, activities, and required permits. The contribution will be spread out over three years (\$8,000 per year), which is estimated to fund the event in large part.

Condition B-12: Prior to the issuance of a final certificate of occupancy for the Project, the Applicant shall contribute at least \$16,000 to the Edgewood Civic Association, which represents two years of the Applicant’s contribution. The Applicant’s contribution (anticipated to be approximately \$8,000 per year) shall fund various elements of the Edgewood Street Festival, including but not limited to, the cost of an event coordinator, equipment rental, food and beverage services, activities, and required permits. 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 or are being provided.

Condition B-13: Prior to the issuance of a final certificate of occupancy for the Project, the Applicant shall demonstrate to the Zoning Administrator that it has created an escrow account and contributed the remaining funds, up to a total contribution of \$24,000. The escrow account shall be structured such that the funds shall be released to the Edgewood Civic Association to fund various elements of the third year of the Edgewood Street Festival, including but not limited to, the cost of an event coordinator, equipment rental, food and beverage services, activities, and required permits.

- The Applicant will contribute \$20,000 to a nonprofit organization that supports the McKinley Tech Track Club (Fast Lane). Specifically, the Applicant’s contribution will fund the following:

- (i) \$5,200 for the Track Club’s participation in the Penn Relays Meet including bus transportation and lodging costs;
- (ii) \$10,750 for the Track Club’s participation in the National Capitol

Condition B-14: Prior to the issuance of a final certificate of occupancy for the Project, the Applicant shall contribute \$20,000 to a nonprofit organization that supports the McKinley Tech Track Club (Fast Lane), which shall fund the following:

- (i) \$5,200 for the Track Club’s participation in the Penn Relays Meet including bus transportation and lodging costs;
- (ii) \$10,750 for the Track Club’s

<p>Invitational Meet including a timer, security, officials, venue fees, clerks, and a starter;</p> <p>(iii) \$1,850 for uniforms and equipment; and</p> <p>(iv) \$2,200 for other meet and administrative fees.</p> <p>The Applicant’s contribution will fund the above expenses during the school year in which the donation is made or in the school year immediately following the school year in which the donation is made. In the event that there are excess funds, those funds will be devoted to additional meet and administrative fees</p> <ul style="list-style-type: none"> • The Applicant will contribute \$20,000 to 1way2rise, which will fund tutoring and afterschool services that will occur during the construction of the Project. The Applicant’s contribution will fund the following: <ul style="list-style-type: none"> (i) \$14,500 for educational supplies and programming for the afterschool youth and teen tutoring services, which may include but not be limited to book bags, pens, pencils, composition books, flash drives, lecturer and workshop fees, facility rental fees, and volunteer expenses; (ii)\$4,000 for sporting equipment, which may include but not be limited to rugby equipment, tennis equipment, lacrosse equipment, and chess equipment; and (iii) \$1,500 for STEM/robotics supplies and equipment, which may include but not be limited to scientific calculators. <p>In the event that there are excess funds,</p>	<p>participation in the National Capitol Invitational Meet including a timer, security, officials, venue fees, clerks, and a starter;</p> <p>(iii) \$1,850 for uniforms and equipment; and</p> <p>(iv) \$2,200 for other meet and administrative fees.</p> <p>In the event that there are excess funds, those funds shall be devoted to additional meet and administrative fees. 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 or are being provided.</p> <p><u>Condition B-15:</u> <u>Prior to the issuance of a final certificate of occupancy for the Project,</u> the Applicant shall contribute \$20,000 to 1way2rise, which shall fund the following:</p> <ul style="list-style-type: none"> (i) \$14,500 for educational supplies and programming for the afterschool youth and teen tutoring services, which may include but not be limited to book bags, pens, pencils, composition books, flash drives, lecturer and workshop fees, facility rental fees, and volunteer expenses; (ii)\$4,000 for sporting equipment, which may include but not be limited to rugby equipment, tennis equipment, lacrosse equipment, and chess equipment; and (iii) \$1,500 for STEM/robotics supplies and equipment, which may include but not be limited to scientific calculators. <p>In the event that there are excess funds, those funds shall be used for miscellaneous educational expenses related to the afterschool</p>
--	--

those funds will be used for miscellaneous educational expenses related to the afterschool program or a scholarship for one senior at McKinley Technology High School who is pursuing post-secondary education. In the event 1way2rise is unable to administer these services, the Applicant will contribute \$20,000 to Beacon House for the provision of similar services.

- The Applicant will contribute \$50,000 to the Hope Community Charter School, which will fund will fund the following:
 - (i) \$30,000 to resurface, seal, and paint blacktop on the north side of the Tolson Campus building;
 - (ii) \$5,000 to remove the concrete platform in front of the Tolson Campus building entrance that has been an ongoing safety concern;
 - (iii) \$4,000 to purchase and install two in ground basketball hoops;
 - (iv) \$600 to purchase and install a bicycle rack;
 - (v) \$3,000 to purchase large planters, supplies, and tools to create a garden space for the STEAM program;
 - (vi) \$6,600 to repair and improve fencing on north side of the school building; and
 - (vii) \$1,400 for minor landscaping on west side of the Tolson Campus building.

In the event that there are excess funds, those funds will be used to paint an artistic mural on the front entrance side of the Tolson Campus

program or a scholarship for one senior at McKinley Technology High School who is pursuing post-secondary education. In the event 1way2rise is unable to administer these services, the Applicant shall contribute \$20,000 to Beacon House for the provision of similar services. 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 or are being provided.

Condition B-16: Prior to the issuance of a final certificate of occupancy for the Project, the Applicant shall contribute \$50,000 to the Hope Community Charter School, which shall fund the following:

- (i) \$30,000 to resurface, seal, and paint blacktop on the north side of the Tolson Campus building;
- (ii) \$5,000 to remove the concrete platform in front of the Tolson Campus building entrance that has been an ongoing safety concern;
- (iii) \$4,000 to purchase and install two in ground basketball hoops;
- (iv) \$600 to purchase and install a bicycle rack;
- (v) \$3,000 to purchase large planters, supplies, and tools to create a garden space for the STEAM program;
- (vi) \$6,600 to repair and improve fencing on north side of the school building; and
- (vii) \$1,400 for minor landscaping on west side of the Tolson Campus building.

(vii) \$1,400 for minor landscaping on west side of the Tolson Campus building.

building.	In the event that there are excess funds, those funds shall be used to paint an artistic mural on the front entrance side of the Tolson Campus building. 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 or are being 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	294,347 (100%)	377	N/A	N/A	N/A	
Market Rate	259,025 sf (87.9%)	341	Market Rate	N/A	Rental	
IZ	4,592 sf (1.6%)	6	Up to 80% MFI	Life of the project	Rental	
IZ	23,666 sf (8%)	31	Up to 60% MFI	Life of the project	Rental	
IZ	4,945 sf (1.7%)	6	Up to 50% MFI	Life of the project	Rental	
IZ	2,119 sf (0.7%)	3	Up to 30% MFI	Life of the project	Rental	

*The number of IZ units is approximate based on the current dwelling unit count and layout. In accordance with the flexibility requested by the Applicant, the mix of IZ units may change if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units substantially conforms to the layout shown on the IZ Unit Location Plan included as Exhibit 33A of the record.