

September 23, 2019

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VIA IZIS

Anthony Hood, Chairperson
 D.C. Zoning Commission
 441 4th Street, NW, Suite 200S
 Washington, DC 20001

**RE: ZC Case No. 19-01 – Wesley Hawaii LLC
 Applicant’s Proffers and Conditions for Order**

Chairperson Hood and Honorable Members of the Commission:

On behalf of Applicant Wesley Hawaii LLC (the “Applicant”), we hereby set forth the proffered benefits and proposed conditions pursuant to Subtitle X § 308.8 of the Zoning Regulations in connection with the Applicant’s proposed planned unit development and zoning map amendment (the “Project”) at 1 Hawaii Avenue NE (the “Property”).

| Proffered Benefit | Proposed Condition |
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| Superior Urban Design and Architecture (Subtitle X § 305.5(a)) Superior Landscaping or Preservation of Open Spaces (Subtitle X § 305.5(b)) Site planning and efficient and economical land utilization (Subtitle X § 305.5(c)) Streetscape and Public Realm Improvements (Subtitle X § 305.5(l)) | A. <u>Project Development</u> 1. The Project shall be developed substantially in accordance with the architectural plans and drawings submitted on August 27, 2019 at Exhibits 26A1 – 26A4 (the “Architectural Plans”), as modified in the Applicant’s Post-Hearing Submission, marked as Exhibit _____ and by the guidelines, conditions and standards herein. 2. The Applicant shall have flexibility with the design of the PUD in the following areas: a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and |

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| | <p>mechanical rooms, provided such variations do not change the exterior configuration of the building;</p> <ul style="list-style-type: none"> b. To vary the number, location, and arrangement of parking spaces for the Project, provided that the total parking is not reduced below the minimum level required for the PUD; c. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit; d. To vary the number of residential dwelling units by an amount not greater than plus 5% and not less than minus 10% from the number depicted on the Architectural Plans approved by the Zoning Commission; and e. To vary the location, attributes and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the Department of Transportation’s Public Space Division. |
| <p>Affordable Housing (Subtitle X § 305.5(g))</p> | <p>B. <u>Public Benefits</u></p> <ul style="list-style-type: none"> 1. The Applicant shall provide affordable housing as set forth in this condition: <ul style="list-style-type: none"> a. The Applicant shall provide affordable housing as set forth in the chart titled “Affordable Housing Chart” on the final |

page of this document (the “Affordable Chart”). The Affordable Chart assumes that the Applicant will be granted an exemption from the Inclusionary Zoning Regulations (“IZ”) set forth in Subtitle C, Chapter 10 of the Zoning Regulations, pursuant to 11 DCMR Subtitle C § 1001.6. However, the Commissioner takes no position as to whether an exemption from the IZ Regulations should be granted;

- b. Each control period shall commence upon the issuance of the first certificate of occupancy;
 - c. Should the exemption from the IZ Regulations be granted, the affordable housing requirements of this condition shall be stated in the covenant required under 11 DCMR Subtitle C § 1001.6(a)(4); and
 - d. Should the exemption from the IZ Regulations be denied, the Applicant shall provide affordable housing in accordance with this condition, unless the IZ Regulations impose more restrictive standards. The Applicant shall record the covenant required by the Inclusionary Zoning Act as to 10% of the residential gross floor of the Project, and shall execute the monitoring and enforcement documents required by 11 DCMR Subtitle X § 311.6 as to the remaining residential gross floor area.
3. The Applicant shall have flexibility to modify the unit percentages and corresponding income levels set forth in the Affordable Chart provided the following conditions are met:
- a. The Project’s overall average income level does not exceed 60% Median Family Income (“MFI”);

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| | <ul style="list-style-type: none"> b. No dwelling unit at the Project is rented to a household with an income greater than 80% MFI; c. The income levels of 30%, 50%, 60% and 80% MFI do not change to different income levels; and d. All units in the Project are maintained as affordable for a period of 40 years in accordance with the Affordable Chart. |
| <p>Housing (Subtitle X § 305.5(f))</p> | <p>4. <u>For the Life of the Project</u>, at least 15 of the dwelling units will be three-bedroom units.</p> |
| <p>Social Services and Facilities (Subtitle X § 305.5(i))</p> | <p>5. <u>Prior to the issuance of a Certificate of Occupancy for the Project</u>, the Applicant shall demonstrate to the Zoning Administrator that it employs an on-site coordinator at the Property to administer social service programs at the Project, assuming the availability of funding for such a position.</p> |
| <p>Environmental and Sustainable Benefits (Subtitle X § 305.5(k))</p> | <p>6. <u>Prior to the issuance of a Certificate of Occupancy for the Project</u>, the Applicant shall furnish a copy of its application for LEED certification to the Zoning Administrator. The application for LEED certification shall indicate the Project is designed to include at least the minimum number of points necessary to achieve Gold certification under the U.S. Green Building Council’s LEED v.4 standards.</p> <p>7. <u>Prior to the issuance of a Certificate of Occupancy for the Project</u>, the Applicant shall demonstrate that it has installed infrastructure in the Project’s parking garage that can service electrical vehicles.</p> |
| <p>Employment and Training Opportunities (Subtitle X § 305.5(h))</p> | <p>8. <u>Prior to the issuance of a Building Permit for the Project</u>, the Applicant shall submit to the Zoning Administrator a copy of the executed First Source Employment Agreement with the D.C. Department of Employment Services substantially similar to the form submitted at Exhibit 15F in the case record.</p> |

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| <p>Uses of Special Value to the neighborhood (Subtitle X § 305.5(q))</p> <p><u>Relocation Plan</u></p> <p><u>Organizational Dues for Fort Totten Civic Association</u></p> <p><u>Meeting Space for Fort Totten Civic Association</u></p> | <p>9. <u>Prior to the issuance of a Certificate of Occupancy for the Project</u>, the Applicant shall implement a Relocation Plan consistent with the document included in the Applicant’s Post-Hearing Submission at Exhibit _____ in the case record, and provide an update to the Zoning Administrator regarding the number of residents returning to the Project.</p> <p>10. <u>Prior to the issuance of a Certificate of Occupancy for the Project</u>, the Applicant shall provide proof to the Zoning Administrator that it has paid \$2,500 for organization dues to the Fort Totten Civic Association. The Applicant shall provide a written letter of intent to the Fort Totten Civic Association setting forth that so long as the Fort Totten Civic Association is actively registered as a “civic association” in the District: (a) the Applicant’s obligation to pay to the Fort Totten Civic Association organizational dues no greater than \$2,500 per year for an additional period of nine years; and (b) the Applicant’s obligation to provide the Fort Totten Civic Association with a meeting space in the Project’s first floor amenity room up to twice a month. The written letter of intent will be provided to the Zoning Administrator and shall be signed by the Applicant.</p> |
| <p>Outdoor Children’s Play Area (Subtitle X § 305.5(m))</p> | <p>11. <u>For the life of the Project</u>, and subject to approval by the District Department of Transportation, there shall be a children’s play area as depicted in the Architectural Plans.</p> <p>12. <u>Prior to the issuance of a Certificate of Occupancy for the Project</u>, the Applicant shall submit to the Zoning Administrator the programming for the children’s play area.</p> |
| <p>Transportation Demand Management Measures</p> | <p>C. <u>Transportation</u></p> <p>1. <u>For the Life of the Project</u>, the Applicant shall implement the following Transportation Demand Management measures:</p> |

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| | <ul style="list-style-type: none">a. The Applicant will 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 will work with residents to distribute and market various transportation alternatives and options;b. The Applicant will provide TDM materials to new residents in the Residential Welcome Package materials;c. TDM Leaders will receive TDM training from goDCgo to learn about the TDM conditions for this project and nearby available options;d. The Applicant will post all TDM commitments online, publicize availability, and allow the public to see what commitments have been promised;e. The Applicant will provide website links to CommuterConnections.com and goDCgo.com on property websites;f. The Applicant will exceed Zoning requirements by providing 48 long-term bicycle parking spaces and twelve (12) short-term bicycle parking spaces around the perimeter of the site;g. The long-term bicycle storage room will accommodate non-traditional bike sizes, including cargo, tandem and kids' bikes;h. The Applicant will provide a bicycle repair station to be located in the secure long-term bicycle storage room;i. The Applicant will unbundle the cost of residential parking from the cost of lease or purchase of each unit, and parking cost will be the average market rate within ¼ mile of the Property at a minimum; and |
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| | <ul style="list-style-type: none">j. The Applicant will install a Transportation Information Center Display (electronic screen) within the residential lobby containing information related to local transportation alternatives.k. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement;l. Provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year;m. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to the residents, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications;n. Provide residents who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;o. Transportation Coordinator will subscribe to goDCgo's residential newsletter; andp. Provide a FREE SmarTrip card to every new resident and a complimentary Capital Bikeshare coupon good for one ride. |
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Loading Management Measures

2. For the Life of the Project, the Applicant shall provide the following loading management plan measures:

- a. A loading dock manager will be designated by the building management. The dock manager will coordinate with tenants to schedule deliveries and residential moves.
- b. Residents will be required to schedule move-in and move-outs with the loading manager through lease regulations.
- c. Deliveries will be required to use 30' trucks or less utilizing the loading facilities located along the site driveway off Allison Street. Tenants who wish to use longer trucks must apply for a public space permit from DDOT allowing them to conduct loading operations within public space.
- d. All loading, delivery, and trash collection activity will be required to utilize the building's internal corridors to access the loading berth, remaining on private property.
- e. The dock manager will schedule deliveries such that the loading facility capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time so as to not impede traffic flow within the driveway or on any adjacent streets.
- f. Trucks using the loading dock will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes

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| | <p>listed in the DDOT Truck and Bus Route System.</p> <p>g. The dock manager will be responsible for disseminating DDOT’s Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with District laws and DDOT’s truck routes. The dock manager will also post these documents in a prominent location within the service area.</p> <p>h. A representative of the building management will be on call during scheduled deliveries to address compliance issues.</p> |
| <p>Requirement to Record, Timing, Human Rights Act, and Compliance with Conditions</p> | <p>D. <u>Miscellaneous</u></p> <p>1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the Property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.</p> <p>2. The PUD shall be valid for a period of two years from the effective date of this Order within which time an application shall be filed for a building permit. Construction must begin within three years of the effective date of this Order.</p> <p>3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended,</p> |

D.C. Official Code § 2-1401.01 et seq. (the “Act”), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

4. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

Affordable Housing Chart

| Residential Unit Type | Percentage of Total | Unit Count | Income Type | Affordable Control Period | Affordable Unit Type |
|------------------------------|----------------------------|-------------------|--------------------|---|-----------------------------|
| Total | 100% | 70 | | | |
| LIHTC Affordable Units | 26% | 18 | Up to 80% MFI | 40 years | Rental |
| IZ Affordable Units* | 10% | 7 | Up to 60% MFI | For life of project after 40 year control period ends | Rental |
| LIHTC Affordable Units | 13% | 9 | Up to 60% MFI | 40 years | Rental |
| LIHTC Affordable Units | 41% | 29 | Up to 50% MFI | 40 years | Rental |
| LIHTC Affordable Units | 10% | 7 | Up to 30% MFI | 40 years | Rental |

*The units designated as “IZ Affordable Units” shall be rented at 60% MFI during the 40 year control period.

Thank you for your attention to this matter and we look forward to the Commission taking final action on this case.

Sincerely,
COZEN O'CONNOR



Meridith Moldenhauer

Certificate of Service

I HEREBY CERTIFY that on this 23rd day of September, 2019, a copy of the Applicant's Proffers and Conditions for Order was served, via email, on the following:

Office of the Attorney General
c/o Maximilian Tondro and Alexandra Cain
441 4th Street NW, Suite 1010 South
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District of Columbia Office of Planning
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Advisory Neighborhood Commission 5A
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Commissioner Sandra Washington
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Advisory Neighborhood Commission 4D
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