

February 6, 2020

**VIA IZIS**

Anthony J. Hood, Chairman  
Zoning Commission for the District of Columbia  
441 Fourth Street, NW, Suite 200S  
Washington, DC 20001

**Re: Z.C. Case No. 19-16: Application of MCF WALP Phase 1, LLC (the “Applicant”) to the District of Columbia Zoning Commission for a Consolidated Planned Unit Development (“PUD”) at 1200 5<sup>th</sup> Street, NW (Square 481, Lot 23, the “Property”) — Applicant’s Final Proffers and Conditions**

Dear Chairman Hood and Commissioners:

Pursuant to the requirements of Subtitle X, Section 308.12, the Applicant hereby submits its final proffers and corresponding conditions of approval. The final proffers and conditions have been revised in response to comments received from the Office of the Attorney General. Set forth below is a chart outlining the final proffers for the above-referenced project and the corresponding condition that is both specific and enforceable.

The substantive changes to the proffers and conditions all relate to adding more details regarding the programs that will be funded by the Applicant’s financial contributions to the organizations noted on pages 7-9 of this submission. Other changes were minor, non-substantive, changes to the language of a condition or merely formatting changes to the document.

| Public Benefits   |  |
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| Proffer   | Condition  |
| <p><b><u>Superior Urban Design and Architecture (11-X DCMR § 305.5(a)):</u></b> The Project’s design is reflective of superior architectural and urban design characteristics relative to any matter-of-right development. Key indicia of superior architecture are the Project’s contemporary yet contextual form, its material selection, and its inclusion of high-quality private outdoor spaces.</p> | <p>1. The Project shall be constructed in accordance with the plans prepared by Torti Gallas and Studio39, dated December 20, 2019 and included in the record at Exhibits 23A1 – 23A9, as modified by the revised IZ Unit Location Plan and Courtyard Design Plans at Exhibits 72B and 72D (the “<b><u>Final Plans</u></b>”). The Applicant shall have flexibility from the Final Plans in the following areas:</p> <p>a. To vary the location and design of all interior components, including but not limited to partitions,</p> |
| <p><b><u>Superior Landscaping (id. § 305.5(b)):</u></b> The Project’s landscaping and hardscaping are also superior to any matter-of-right development. The design of the plazas and courtyards and the well-landscaped and programmed rooftops are indicative of the Project’s superior landscaping.</p>   |  |

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| <p><b><u>Site Planning and Efficient Land Utilization</u></b><br/><b><u>(id. § 305.5(c))</u></b>: The Project makes efficient use of a significant site that is near a Metrorail location, places all parking underground.</p> | <p>structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the Project as shown on the Final Plans;</p> <ul style="list-style-type: none"><li>b. To vary the final selection of the exterior materials within the color ranges of the material types as proposed, based on availability at the time of construction, without reducing the quality of the materials, provided such colors are within the color ranges shown on the Final Plans; and to make minor refinements to exterior details, dimensions and locations, including curtainwall mullions and spandrels, window frames and mullions, glass types, belt courses, sills, bases, cornices, balconies, 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 or to address the structural, mechanical, design, or operational needs of the building uses or systems;</li><li>c. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the Project as shown on the Final Plans; examples of exterior details include, without limitation, doorways, canopies, railings, and skylights;</li><li>d. To provide a range in the number of residential units in the Project of plus or minus five percent (5%) relative to the number depicted on the Final Plans, subject to the housing requirements of Condition No. 3 and maintaining</li></ul> |
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|  | <p>the percentage range of unit sizes noted on page G05 of the Final Plans;</p> <ul style="list-style-type: none"><li>e. To make refinements to the approved parking configuration, including layout and number of parking spaces of plus or minus ten percent (10%), provided the number of parking spaces maintains a ratio of no more than 0.3 spaces per residential unit;</li><li>f. To make minor refinements to the floor-to-floor heights, so long as the maximum height and total number of stories as shown on the Plans do not change;</li><li>g. To vary the design of the public space surrounding the Property and/or the selection of plantings in the landscape plan depending on seasonal availability within the range and quality as proposed in the Final Plans or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies and/or service to the Property from utilities;</li><li>h. To vary the amount, location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Project achieves a minimum GAR required by the Zoning Regulations and provides a minimum of approximately 1,380 square feet of roof area containing solar panels and related equipment;</li><li>i. To vary the approved sustainable features of the Project, provided the total number of LEED points achievable for the Project does</li></ul> |
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|  | <p>not decrease below the minimum required for the LEED standard specified by the order;</p> <ul style="list-style-type: none"> <li>j. To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems, so long as such changes do not substantially alter the exterior dimensions shown on the Final Plans and remain compliant with all applicable penthouse dimensional requirements of the Zoning Regulations; and</li> <li>k. To vary the final design and layout of the indoor and outdoor amenity and plaza spaces to reflect their final design and programming and to accommodate special events and programming needs of those areas from time to time.</li> </ul> <p>2. The Property shall be subject to the requirements of the RA-2 zone except as set forth or modified herein and as shown on the Final Plans:</p> <ul style="list-style-type: none"> <li>a. The Project shall be constructed to a maximum height of 50 feet;</li> <li>b. The Project shall have flexibility from the lot occupancy requirements to occupy 81.7% of the lot; and</li> <li>c. The Project shall also have flexibility to increase the FAR for the Project to a maximum of 2.66.</li> </ul> |
| <p><b><u>Housing in Excess of Matter-of-Right Development (id. § 305.5(f)(1)):</u></b> The Project includes a greater number of housing units than could be developed on the Property as a matter-of-right. The Project provides no fewer than</p> | <p>3. <b><u>For the life of the Project,</u></b> the Project shall provide housing in excess of a matter-of-right development of the Property, including affordable housing as set forth in the following chart and in accordance with the</p>  |

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| <p>eighteen (18) three-bedroom units.</p> <p><b><u>Affordable Housing in Excess of Inclusionary Zoning Requirements (id. § 305.5(g)):</u></b> The Project also reserves twelve percent (12%) of its residential GFA for affordable housing units.</p> | <p>location and proportional mix of units (by bedroom count) as shown on Sheet G10 of the Final Plans, subject to design flexibility granted by the Commission in Condition No. 1, provided that:</p> <ul style="list-style-type: none"> <li>a. the affordable housing shall be no less than 12% of the total of the residential GFA, cellar floor area dedicated to dwelling units, enclosed building projections that extend into public space, and habitable penthouse space as determined by the Zoning Administrator at permit issuance; and</li> <li>b. The Project shall provide no fewer than eighteen (18) three-bedroom units.</li> </ul> <p>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> |
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| Residential Unit Type     | Total Residential Gross Floor Area ("GFA")  | Units | Reserved for households earning equal to or less than: | Affordability Control Period | Tenure (rental or sale) |
|---------------------------|---|-------|--|------------------------------|-------------------------|
| <b>Total</b>              | 246,222 sf of GFA   | 360   | N/A  | N/A                          | N/A                     |
| <b>Penthouse</b>          | 35,664 sf   | N/A   | N/A  | N/A                          | N/A                     |
| <b>Market Rate</b>        | 216,675 sf of GFA   | 319   | N/A  | N/A                          | N/A                     |
| <b>Affordable Housing</b> | 4,280 sf of GFA (12% of non-communal penthouse habitable GFA)   | 3     | 50% MFI  | Life of Project              | Rental                  |
|                           | 36,873 sf of GFA (12% of Residential GFA + 12% of cellar dwelling unit floor area + 12% of residential projection area) | 38    | 60% MFI  | Life of Project              | Rental                  |

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| <p><b><u>Environmental and Sustainable Benefits:</u></b><br/> <b><u>LEED Gold (id. § 305.5(k)(5)):</u></b> The Applicant proposes to construct the Project to LEED Silver v4 certification. An updated LEED checklist is included with the Final Plans.</p> | <p>4. <b><u>Prior to the issuance of the first building permit for the Project,</u></b> the Applicant shall demonstrate that it has registered the Project with the United States Green Building Council (“USGBC”) to commence the LEED certification process by furnishing a copy of its LEED certification application to the Zoning Administrator. The building permit application shall indicate that the Project has been designed to achieve at least the minimum number of points necessary to achieve Silver certification under the USGBC’s LEED v.4 standards.</p> <p>5. <b><u>Prior to the issuance of a certificate of occupancy for the Project,</u></b> the Applicant shall provide the Zoning Administrator with the updated status of its LEED Certification, including all credits obtained, and demonstrating that it is reasonable likely to achieve certification within two years.</p> |
| <p><b><u>Environmental and Sustainable Benefits:</u></b><br/> <b><u>Rooftop Solar (id. § 305.5(k)):</u></b> The Applicant proposes to include on the Project rooftop solar panels and electric vehicle accommodations.</p>                                  | <p>6. <b><u>Prior to the issuance of the first certificate of occupancy for the Project,</u></b> the Applicant shall provide the Zoning Administrator with information showing that:</p> <ul style="list-style-type: none"> <li>a. The solar panel systems and associated equipment installed on the Project by the Applicant occupy approximately 1,380 square feet of roof area;</li> <li>b. The Applicant has installed three (3) electric vehicle charging stations within the garage that can accommodate a minimum of six (6) vehicles at any given time; and</li> <li>c. The Applicant has installed at least five (5) electrical outlets in the long-term bicycle storage to supply power to electric bicycles.</li> </ul> <p>7. <b><u>For the life of the Project,</u></b> the Applicant shall maintain the solar panels and electric vehicle accommodations described in Condition No. 6.</p>     |
| <p><b><u>Uses of Special Value to the Neighborhood: (id. § 305.5):</u></b> The Applicant proposes additional items</p>  | <p>8. <b><u>Prior to the issuance of a Certificate of Occupancy for the Project,</u></b> the Applicant</p>  |

of value to the community in which the Property is located.

\$75,000.00 to the Greater Washington Community Foundation - to be used by The Partnership to End Homelessness Grantmaking Fund ("Partnership Fund"), which is a partnership between the Greater Washington Community Foundation and the District of Columbia Interagency Council on Homelessness to provide support for nonprofit providers in DC to help obtain and maintain permanent housing and reduce the amount of time spent in the homeless services system. The Partnership Fund invests in nonprofits working with individuals, youth and families experiencing homelessness. The grantmaking fund awards grants to nonprofits working with individuals, youth, and families experiencing homelessness. Specific grants are made to nonprofits for the following purposes: (1) to fill funding gaps to assist people exiting homelessness to obtain and maintain stable housing; (2) to support the development of innovative homelessness services solutions that can be evaluated and potentially scaled, (3) to help providers address emerging needs in homelessness services and to support targeted services to address those needs; (4) to support service providers and developers in helping people to access permanent housing and increase the supply of affordable housing; and (5) to support advocacy efforts focused on strengthening policies that impact housing and homelessness and/or increase public funding.

\$20,000.00 to New Endeavors for Women – for the purchase of computer equipment and funding of supportive programs for women and families in the transitional housing program located at 611 N Street, NW. The supportive programs include; transportation subsidies, tuition assistance, and transitional housing supplies for clients.

\$30,000.00 to Shaw Main Streets – in support of the Shaw Main Street Clean & Safe Team, which

shall provide written evidence to the Zoning Administrator that it has made the following contributions.

a. \$75,000.00 to the Greater Washington Community Foundation - to be used by The Partnership to End Homelessness Grantmaking Fund ("Partnership Fund"). The Partnership Fund awards grants to nonprofits working with individuals, youth, and families experiencing homelessness. Specific grants are made to nonprofits for the following purposes: (1) to fill funding gaps to assist people exiting homelessness to obtain and maintain stable housing; (2) to support the development of innovative homelessness services solutions that can be evaluated and potentially scaled, (3) to help providers address emerging needs in homelessness services and to support targeted services to address those needs; (4) to support service providers and developers in helping people to access permanent housing and increase the supply of affordable housing; and (5) to support advocacy efforts focused on strengthening policies that impact housing and homelessness and/or increase public funding. The Partnership Fund shall be in operation at the time of the issuance of the Certificate of Occupancy for the Project.

b. \$20,000.00 to New Endeavors for Women – for the purchase of computer equipment and funding of supportive programs for women and families in the transitional housing program located at 611 N Street, NW. The supportive programs include; transportation subsidies, tuition assistance, and transitional housing supplies for clients. Programs funded shall be in operation at the time of the issuance of the Certificate of Occupancy for the Project.

c. \$30,000.00 to Shaw Main Streets – in support of the Shaw Main Street Clean & Safe Team,

has been hiring, training, and employing returning citizens to maintain the public space along the 7<sup>th</sup> and 9<sup>th</sup> commercial corridors since 2006. Crew members sweep curbs and sidewalks; collect litter and recyclables and bag and transport them to Department of Public Works transfer stations, along with bulk trash; remove and abate graffiti tags; shovel snow to clear sidewalks, ADA ramps and Metro Station entrances; maintain pocket parks; provide directions and assistance to visitors; report service requests related to the public space they maintain; and serve as public safety "eyes and ears" to enhance public safety. Funds will be used to pay for salaries, benefits, uniforms, equipment and supplies for crew members.

\$15,000.00 to the Kennedy Recreation Center – for the purchase of new computers, furniture, equipment, and supplies for the technology lab for the Kennedy Recreation Center.

\$15,000.00 to Boolean Girl - which will provide one year of funding of the nonprofit organization Boolean Girl's operations at the Kennedy Recreation Center. Boolean Girl provides a curriculum, equipment, materials and instructors to teach coding to disadvantaged children. The program can serve 75 children over the course of one year, and participants will be recruited from the Shaw neighborhood.

\$20,000.00 to DC Public Library Foundation (for the benefit of Shaw Watha T. Daniel Neighborhood Library) - to support improvements to the children's section and children's programming at the Shaw Watha T. Daniel Library, including furniture, supplies, and children's educational programming.

which hires, trains, and employs returning citizens to maintain the public space along the 7<sup>th</sup> and 9<sup>th</sup> commercial corridors. Funds will be used to pay for salaries, benefits, uniforms, equipment and supplies for crew members. Programs funded shall be in operation at the time of the issuance of the Certificate of Occupancy for the Project.

d. \$15,000.00 to the Kennedy Recreation Center – for the purchase of new computers, furniture, equipment, and supplies for the technology lab for the Kennedy Recreation Center. Programs funded shall be in operation at the time of the issuance of the Certificate of Occupancy for the Project.

e. \$15,000.00 to Boolean Girl - which will provide one year of funding of the nonprofit organization Boolean Girl's operations at the Kennedy Recreation Center. Boolean Girl provides a curriculum, equipment, materials and instructors to teach coding to disadvantaged children. Participants will be recruited from the Shaw neighborhood. Programs funded shall be in operation at the time of the issuance of the Certificate of Occupancy for the Project.

f. \$20,000.00 to DC Public Library Foundation (for the benefit of Shaw Watha T. Daniel Neighborhood Library) - to support improvements to the children's section and children's programming at the Shaw Watha T. Daniel Library, including furniture, supplies, and children's educational programming. Programs funded shall be in operation at the time of Certificate of Occupancy for the Project.



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| <p><u>\$30,000.00 to the Mount Vernon Triangle Community Improvement District - to support the Mount Vernon Triangle Clean Team's hiring of one additional Clean Team Ambassador.</u></p> | <p>g. <u>\$30,000.00 to the Mount Vernon Triangle Community Improvement District - to support the Mount Vernon Triangle Clean Team's hiring of one additional Clean Team Ambassador. Programs funded shall be in operation at the time of Certificate of Occupancy for the Project.</u></p> |
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**Transportation Mitigation Measures – Transportation Demand Management**

1. **For the life of the Project**, the Applicant shall implement the following Transportation Demand Management Program:
  - a. The Applicant will unbundle the cost of residential parking from the cost of lease of each unit and charge a minimum rate based on the average market rate within a quarter mile of the Property.
  - b. The Applicant will identify Transportation Coordinator(s) for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement. The Transportation Coordinator(s) will subscribe to goDCgo's residential newsletter. The Transportation Coordinator(s) will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM plan.
  - c. The Transportation Coordinator(s) will provide their 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.
  - d. The Transportation Coordinator(s) 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 the Project's website and in any internal building newsletters or communications.
  - e. The Applicant will provide welcome packets to all new residents that will, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. The Applicant will provide one free SmarTrip Card and one complimentary Capital Bikeshare coupon with the initial lease up of each unit.
  - f. Brochures can be ordered from DDOT's goDCgo program by emailing.
  - g. The Applicant will provide residents who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Council of Governments (MWCOC) or other comparable service if MWCOC does not offer this in the future.
  - h. The Applicant will post all TDM commitments on the project's website, publicize availability, and allow the public to see what commitments have been promised.
  - i. The Applicant will satisfy the Zoning Regulations by providing 121 long-term bicycle parking spaces in the Project garage.

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| <p>j. Long-term bicycle storage rooms will accommodate non-traditional sized bikes including cargo, tandem, and kid's bikes. The long-term bicycle space will be provided free of charge to residents.</p> <p>2. <b><u>Following the issuance of a Certificate of Occupancy for the Project</u></b>, The Applicant shall submit to the Office of Zoning for inclusion in the record for this proceeding, documentation summarizing compliance with the TDM commitments of this Order, as applicable and shall, every five (5) years thereafter, submit to the Zoning Administrator, DDOT, and goDCgo, a letter summarizing compliance with the transportation and TDM Conditions of this Order, as applicable.</p> |
| <b>Construction Mitigation Measures – Construction Management Plan</b>   |
| <p>3. <b><u>Prior to the issuance of the Certificate of Occupancy for the Project</u></b>, the Applicant shall construct the Project in accordance with the provisions of the Construction Management Plan included as Exhibit 72E.</p>  |

The Applicant looks forward to the Commission's action on this application at their February 24, 2020 Public Meeting. Please feel free to contact the undersigned with any questions.

Respectfully submitted,

/s/ Paul A. Tummonds

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## Certificate of Service

I certify that on or before February 6, 2020, I delivered a copy of the foregoing document and attachments via e-mail or first-class mail to the addresses listed below.

/s/ Paul A. Tummonds

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