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October 27, 2020

VIA IZIS

Zoning Commission for the
District of Columbia
441 4th Street, NW, Suite 210S
Washington, D.C. 20001

**Re: Z.C. Case No. 20-06
Applicant's Proposed Proffers and Conditions**

Dear Members of the Commission:

On behalf of Felice Development Group (the "Applicant"), we hereby submit the Applicant's proposed list of proffers and corresponding conditions. Pursuant to 11-Z DCMR § 101.9, the Applicant respectfully requests that the Commission waive the filing deadline under 11-X DCMR § 308.8, which required this submission to be made no later than seven (7) days after the Commission took proposed action on October 15, 2020. Doing so will not prejudice the rights of any party, as the foregoing list is consistent with the Applicant's prior filings and testimony rendered at public hearing on September 10, 2020.

Thank you for your considerate attention to this matter. We remain hopeful of the Commission's final approval of the application.

Sincerely,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties
Christopher S. Cohen

cc: Certificate of Service (via email)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 27, 2020 a copy of the Applicant's proposed proffers and corresponding conditions was submitted into the public record for Z.C. Case No. 20-06 via IZIS, and was served on the following persons:

**Zoning Commission for the
District of Columbia**
441 Fourth Street, NW
Washington, D.C.

VIA IZIS

D.C. Office of Planning
c/o Mr. Stephen Cochran
stephen.cochran@dc.gov

VIA EMAIL dated 10/27/2020

Advisory Neighborhood Commission 6B
c/o Commissioner Brian Ready
6b03@anc.dc.gov

VIA EMAIL dated 10/27/2020

Commissioner Corey Holman
Single-Member District 6B-06
6b06@anc.dc.gov

VIA EMAIL dated 10/27/2020



Christopher S. Cohen
Holland & Knight LLP

Applicant's Proposed Public Benefits and Amenities and Corresponding Conditions

Case No. 20-06

Felice Development Group

First-Stage & Consolidated PUDs & Related Map Amendment from

PDR-4 Zone to MU-9 Zone @ 1333 M Street, SE

(Sq. 1025-E, Lot 802; Sq. 1048-S, Lots 1, 801, & 802; and RES 129 & 299)

October 27, 2020

<u>Proffer</u>	<u>Condition</u>
<p><u>Affordable Housing</u></p> <p>The Applicant agrees to reserve 12% of the PUD's gross residential floor area for households with incomes not exceeding 60% of the median family income ("MFI"), except that three (3) of the six (6) two-bedroom IZ units in the first phase of the PUD shall be reserved for households with incomes not exceeding 50% of MFI. Also, one two-bedroom unit in the second phase of the PUD shall be reserved at 50% of MFI.</p>	<p>B.1. The Applicant shall reserve 12% of the Project's gross residential floor area for households with incomes not exceeding 60% of median family income ("MFI"), except that three (3) of the six (6) two-bedroom IZ units in the first phase of the PUD shall be reserved for households with incomes not exceeding 50% of MFI. Also, one two-bedroom unit in the second phase of the PUD shall be reserved at 50% of MFI.</p> <p>B.2. In the East Tower of Building 1, constructed as Phase 1 of the PUD, <u>for the life of the Project</u>, the affordable units shall be in accordance with the following chart:</p> <p>(attached separately)</p>
<p><u>Public Space Improvements</u></p> <p>The PUD will result in a significant level of improvements in the public space, which are discussed, generally, below:</p> <p>a. <u>M Street</u>. The Applicant will fully reconstruct a 22-foot portion of the 72-foot right-of-way of M Street, S.E. and install a small traffic circle to facilitate better circulation near and around the Property. In addition, the Applicant will relocate the Anacostia Bike Trail to the north side of M Street in order to provide a better connection to the existing trail to the west. The Applicant will reconstruct the bike trail</p>	<p>B.3. <u>Prior to the issuance of the first certificate of occupancy for the Project</u>, the Applicant shall construct the following improvements in public space and/or for the use by the public:</p> <p>a. <u>M Street</u>. The Applicant will relocate the Anacostia Bike Trail to the north side of M Street in order to provide a better connection to the existing trail to west. The Applicant will reconstruct the bike trail to DDOT's current standard width of 10 feet.</p> <p>b. <u>Virginia Avenue</u>. The Applicant will re-establish Virginia Avenue and construct the roadway to current DDOT standards and will include bioretention facilities.</p>

to DDOT's current standard width of ten feet. Further, this bike trail to be relocated to the north side of M Street will be maintained by DDOT.

b. Virginia Avenue. The Applicant will re-establish Virginia Avenue and construct the roadway to current DDOT standards and will include bioretention facilities.

c. Arrival Plaza. The Arrival Plaza will be improved with an expansive green lawn and function as a pedestrian promenade and plaza. The Applicant will maintain the improvements in the Arrival Plaza for the life of the Project.

d. Waterfront Plaza. The Waterfront Plaza at the terminus of Virginia Avenue will include a monumental staircase and accessible walkways, and is designed to accommodate outdoor dining, small gatherings, art fairs, a farmers' market and other similar community activities. The Applicant will maintain the improvements in Waterfront Plaza for the life of the Project.

e. 14th Street Corridor Plaza. The 14th Street Corridor Plaza is designed to provide a connectivity area between the proposed Southeast Boulevard Pedestrian Bridge and the lower Retail Promenade and Water Street. The Applicant will maintain the connectivity area for the life of the Project.

f. Lower Retail Promenade. The Lower Retail Promenade will be improved with a great lawn and provide access to Water Street and the Anacostia Bike Trail. The Applicant will maintain the Lower Retail Promenade for the life of the Project.

The paved path connecting the upper Waterfront Plaza and Water Street will be a

c. Arrival Plaza. The Arrival Plaza will be improved with an expansive green lawn and function as a pedestrian promenade and plaza. The Applicant shall maintain the improvements in the Arrival Plaza **for the life of the Project**.

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e. 14th Street Corridor Plaza. The 14th Street Corridor Plaza is designed to provide connectivity between the proposed Southeast Boulevard Pedestrian Bridge and the lower Retail Promenade and Water Street. The Applicant shall maintain the connectivity **for the life of the Project**.

f. Lower Retail Promenade. The Lower Retail Promenade will be improved with a great lawn and provide access to Water Street and the Anacostia Bike Trail. The Applicant shall maintain the Lower Retail Promenade **for the life of the Project**.

g. Water Street SE. During permitting for the first phase of the PUD, the Applicant shall submit to DDOT a signage and striping plan for Water Street SE between 12th Street SE and M Street SE. Subject to DDOT's review and approval, the Applicant agrees to implement the plan during construction of the second phase of the PUD.

<p>non-vehicular connection open only to pedestrians and bicyclists.</p>	
<p><u>Environmental</u></p> <p>The PUD will be designed to the equivalent LEED Gold Standard.</p> <p>The Applicant will install solar panels on top of the Building 1 West Tower, which will generate at least one percent (1%) of the energy for the tower.</p> <p>The Applicant will install a composite of extensive, intensive green roof systems, and hardscaped areas will be created for the roof terrace on Building 2. The roof shall include a garden or other green roof infrastructure that is as large as commercially and operationally feasible, but not smaller than 45% exclusive of areas needed for mechanical equipment and elevator overruns.</p> <p>The PUD will achieve a Green Area Ratio no less than 0.225 where 0.2 is required.</p>	<p>B.4. <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 for BD+C: New Construction and Major Renovation standard.</p> <p>B.5. <u>Prior to the issuance of a final certificate of occupancy for the Project</u>, the Applicant shall provide a signed affidavit to the Zoning Administrator evidencing that the Applicant has registered the Project under the LEED-v4 for BD+C: New Construction and Major Renovation standard. The signed affidavit shall also include the steps taken by the Applicant towards certification of the Project under the LEED-v4 for BD+C: New Construction and Major Renovation standard.</p> <p><i>Conditions to be added to order</i></p> <p><u>For the second-stage PUD</u>, the Applicant shall install solar panels on top of the Building 1 West Tower, which will generate at least one percent (1%) of the energy for the tower.</p> <p><u>For the second-stage PUD</u>, the Applicant shall install a composite of extensive, intensive green roof systems, and hardscaped areas will be created for the roof terrace on Building 2. The roof shall include a garden or other green roof infrastructure that is as large as commercially and operationally feasible, but not smaller than 45% exclusive of areas needed for mechanical equipment and elevator overruns.</p> <p>The PUD shall achieve a Green Area Ratio of no less than 0.225.</p>
<p><u>Monetary Contribution for Senior Programming</u></p>	<p>The Applicant shall provide the proffered uses of special value to the neighborhood subject to the following conditions:</p>

<p>The Applicant agrees to contribute \$25,000 to the Department of Parks and Recreation to support the programming for seniors at the Arthur Capper Recreation Center.</p> <p>The Applicant agrees to expend \$225,000 to cover the cost of professional services related to efforts to secure a site for an adult day care center in the Capitol Hill neighborhood of Ward 6 or Hill East Reservation 13. Consistent with the Scope of Project marked as Exhibit 33 of the case record, the funds will be used to engage one or more consultants or non-profit organizations (e.g. Capitol Hill Village and Iona) to, among other things, evaluate the demand and demographic data for adult day care; identify potential sites for an adult day care center; deliver a matrix of prioritized adult day care service needs and the square footage required to meet those needs; test fit or preliminarily design a proposed space; and identify adult day care providers.</p>	<p><u>B.7. Prior to the issuance a building permit for the Project,</u> the Applicant shall contribute \$25,000 to the Department of Parks and Recreation to support the programming for seniors at the Arthur Capper Recreation Center.</p> <p><u>B.8. Prior to the issuance of a certificate of occupancy for the East Tower of Building 1,</u> the Applicant shall expend \$225,000 to cover the cost of professional services related to efforts to secure a site for an adult day care center in the Capitol Hill neighborhood of Ward 6 or Hill East Reservation 13. Consistent with the Scope of Project marked as Exhibit 33 of the case record, the funds will be used to engage one or more consultants or non-profit organizations (e.g. Capitol Hill Village and Iona) to, among other things, evaluate the demand and demographic data for adult day care; identify potential sites for an adult day care center; deliver a matrix of prioritized adult day care service needs and the square footage required to meet those needs; test fit or preliminarily design a proposed space; and identify adult day care providers. <u>Prior to the issuance of a certificate of occupancy,</u> the Applicant shall file documentations with the Zoning Administrator demonstrating that this condition has been satisfied as set forth above.</p>
<p><u>Superior Urban Design and Architecture</u></p> <p>The overall massing solution for the Project was created to respond to the various contextual edges that border the Property. This includes the orthogonal grid to the north facing Capitol Hill, the diagonal orientation of Virginia Avenue to the south, and the irregular waterfront edge to the east along Water Street. Two view corridors have been preserved through the site at the private road and the 14th Street right of way. This ensures that views of the river and Anacostia Hills will be preserved from the north. Additional porosity has been achieved through the introduction of a “cut-</p>	<p>A.1. The Project shall be developed in accordance with the Approved Plans marked as Ex. (“First Stage PUD Plans”) and Ex. (“Consolidated PUD Plans”) of the record, except as modified by the other conditions herein.</p>

out” at floors 3 thru 6 along the façade of the East Tower.

The development program is distributed across three building structures organized within this unique triangular site. The East Tower and the West Tower are connected at the second level through a bridge element that provides access for all building residents to a series of dynamic interior and exterior amenity spaces. Building 2 is a standalone structure located at the eastern edge of the site. Its building massing is reminiscent of the traditional sailboat form, with a tapered edge at the intersection of M and Water Streets. In order to take advantage of the steep topography running north/south across the site, a series of retail plazas, outdoor courtyards and private terrace spaces have been organized to create dynamic pedestrian experiences overlooking the Anacostia Waterfront at multiple levels.

Additionally, the Project includes two levels of underground parking with ingress and egress located along M Street. All loading and service function for the East Tower and the West Tower will occur along a private road that bisects the site connecting M Street to Virginia Avenue. Loading and service functions for Building 2 will occur along M Street.

The overall development program includes retail tenant space and residential lobbies at grade along M Street and Virginia Avenue. Additional retail uses continue at the upper and lower plaza levels facing the waterfront. Residential units and amenity spaces occupy the upper floors of the buildings. Additional amenity space is located at the rooftop, with a pool, garden elements at the East Tower.

**Site Planning and Efficient Economical
Land Utilization**

Given the character and current conditions of the Property, the Applicant proposes a visionary mixed use development that reactivates the Anacostia River and provides evocative public spaces giving a full life cycle to this underutilized site. The site is located adjacent to “Boathouse Row” and will likely encourage additional waterfront activity, and the overall Project is designed to accommodate a potential bridge connection over Southeast Boulevard.

A.1. The Project shall be developed in accordance with the Approved Plans marked as Ex. [REDACTED] (“**First Stage PUD Plans**”) and Ex. [REDACTED] (“**Consolidated PUD Plans**”) of the record, except as modified by the other conditions herein.

Attachment 1

Inclusionary Zoning Chart

Residential Unit Type	Residential GSF*/ Percentage of Total	# of Units	Reserved for household earning equal to or less than	Affordable Control Period	Affordable Unit Type
Total	443,454 / 100%	496			
Market Rate	[sf] /	417	Market Rate		
IZ** (Studio and 1-BR)	[sf] /	76	60% MFI	Life of the Project	
IZ** (2-BR)	[sf] /	3	50% MFI	Life of the Project	

* Square footages shown represent gross square feet (“GSF”) of residential use within the project. GSF is inclusive of building area devoted to residential use that meets the definition of “gross floor area” under the 2016 Zoning Regulations (“ZR16”), including building area devoted to residential dwelling units within a penthouse, and also includes building area devoted to dwelling units located within a cellar and building area devoted to residential use within building projections into public space.

** 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 confirms to the layout shown on the IZ Unit Location Plan included with Exhibit [redacted] of the record (*see* Sheet A-6);