

June 10, 2021

VIA HAND DELIVERY AND 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. 20-27: Application of High Street District Development, Inc. (the “Applicant”) to the District of Columbia Zoning Commission for a Consolidated PUD and Map Amendment at Square 445, Lots 191, 192, 193, 194, 800, 821, and 822 (the “Property”) – Applicant’s Proffers and Conditions

Dear Chairman Hood and Commissioners:

Pursuant to the requirements of Subtitle X, §§ 308.8-308.12, the Applicant hereby submits its revised list of proffers and corresponding conditions of approval. Set forth below is a chart outlining the proffers for the above-referenced project and the corresponding draft condition that is both specific and enforceable, reflecting comments from the Office of Attorney General. Also enclosed in redline format are the changes to the conditions contained in the Applicant’s May 27, 2021 draft proffers and conditions (found at Exhibit 54 of the record in this case).

Public Benefits	
Proffer	Condition
<p><u>Superior Urban Design, Architecture, and Landscaping (11-X DCMR § 305.5(a) and (b)).</u> The proposed height and massing of the Project have been carefully designed to relate to the surrounding context. Along the eastern side of the Property, the building is set back 15’ from the property line above the 4th floor and set back a full 30’ above the 7th floor. Through these setbacks, the building is compatible with the scale of the buildings along Marion Street.</p>	<p>The Project shall be constructed substantially in accordance with the plans prepared by Eric Colbert and Associates, dated April 30, 2021 and included in the record at Exhibit ____, modified by the guidelines, conditions, and standards herein (the “<u>Final Plans</u>”). The Project shall have flexibility from the lot occupancy requirements and the penthouse uniform height and staircase enclosure</p>

<p>The Project includes high-quality private outdoor spaces, superior architecture and high-quality materials.</p> <p>A clearly defined retail base and streetscape will enhance the pedestrian scale and environment. The building is articulated with projecting and interior balconies, bay windows and carefully selected materials to add warmth along Marion Street and an open and more modern atmosphere along 7th Street. The Project will feature high-quality design and materials and transform a surface parking lot to a lively and dynamic residential development with ground floor retail.</p> <p>The Project shall include a well-designed rooftop and street-level landscaping, including new street trees.</p>	<p>requirements of the 2016 Zoning Regulations as shown on the Final Plans.</p> <p>The Property shall be rezoned from the MU-4 Zone to the MU-6 zone. Pursuant to 11-X DCMR §311.4, the change in zoning shall be effective upon the recordation of a covenant among the land records of the District of Columbia between the owner of the Property and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the owner of the Property and all successors in title to construct on or use the Property in accordance with this Order and any amendment thereof by the Commission.</p> <p>The landscaping and streetscape improvements shall be constructed in compliance with Sheets L01 – L07 and C02-C07 of the Final Plans.</p>
<p><u>Site Planning and Efficient Land Utilization</u> (<i>id.</i> § 305.5(c)): The Project makes efficient use of a deteriorating site that is near two Metrorail stations and well-served by Metrobus, places all parking underground and transforms an underutilized and inactive area into an attractive 21st century mixed-use development.</p>	<p>The Project shall be constructed substantially in accordance with the Final Plans.</p>
<p><u>Commemorative Works or Public Art</u> <i>id.</i> § 305.5(d): The Applicant will purchase and install a piece of public art in the public space along P Street (subject to approval by DDOT).</p>	<p><u>Prior to the issuance of the Certificate of Occupancy for the Project</u>, the Applicant shall purchase and install a piece of public art in the public space along P Street (subject to approval by DDOT). In coordination with Shaw Main Streets, the Applicant will determine the ideal type and configuration for such art, subject to review and approval of such proposal through the public space permitting process. The approximate location for such art is shown on Page A12 and Page L01 of the Final Plans.</p>

<p><u>Housing in Excess of Matter-of-Right Development (id. § 305.5(f)(1)):</u> The Project includes a greater number of housing units than could be developed on the Property as a matter-of-right under the existing MU-4 zoning. The Project will create approximately 223 new residential units in furtherance of the Mayor’s Housing Order and the goals of the Comprehensive Plan. There is currently no housing at the Property, and given the Property’s current zoning, no residential use is required. Additionally, portions of the Property are subject to affordability covenants that run with the land. These covenants require that a minimum of 10 units (for Lot 821 the greater of 20% or 7 units and for Lot 191, the greater of 30% or 3 units) be affordable. Pursuant to the covenants, at least 25% of the units must be reserved at 30% MFI, the remaining units must be reserved between 30% and 50% MFI. It is only through the PUD process that the Applicant can create a financially viable project that is large enough to unlock and support the provision of such deeply affordable units as required by the covenants. The Project will create all new housing in an underutilized location, totaling 145,736 square feet of new housing.</p>	<p><u>For the life of the Project,</u> the Project shall dedicate approximately 145,736 square feet of GFA to residential use.</p>
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<p><u>Affordable Housing in Excess of Inclusionary Zoning Requirements (<i>id.</i> § 305.5(g)):</u> The Project reserves twelve percent (12%) of its residential gross floor area not subject to the existing affordability covenants (excluding penthouse habitable space) for households with incomes not exceeding 60% of the median family income (“MFI”).</p> <p>The Project reserves an area equal to 12% of the penthouse habitable space for households with incomes not exceeding 50% of MFI.</p>	<p><u>For the life of the Project,</u> the Applicant shall reserve no less than 12% of the Project’s residential gross floor area (excluding the area subject to the existing affordability covenants and the penthouse habitable space) for households with incomes not exceeding 60% of MFI.</p> <p><u>For the life of the Project,</u> the Applicant shall reserve an area equal to no less than 12% of the penthouse habitable space for households with incomes not exceeding 50% of MFI.</p> <p>The Inclusionary Zoning and affordable covenant units shall be generally in accordance with the following chart, subject to the flexibility noted below:</p>
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Residential Unit Type	Total Residential Gross Floor Area	Units	Reserved for households earning equal to or less than:	Affordability Control Period	Tenure (rental or sale)
IZ	12,736 sf of GFA	18	60% MFI	Life of Project	Rental
IZ	429 sf of GFA	1	50% MFI	Life of Project	Rental
Affordable Covenants	1,568 sf of GFA	3	30% MFI	Life of Project	Rental
	5,469 sf of GFA	7	50% MFI	Life of Project	Rental

Note: Ultimate unit count, unit mix and unit locations are subject to change based on final interior layout, total unit mix, and as necessary to comply with any applicable DC laws and regulations including the Inclusionary Zoning Implementation Regulations, DCMR Title 14, Chapter 22. Ultimate residential GFA is also subject to change based on unit count; however, Applicant will provide a minimum of 12,500 sf of residential GFA at 60% MFI and 400 sf of residential GFA at 50% MFI for the life of the project. Additionally, the Applicant will provide 6 Inclusionary Zoning units of the two-bedroom type (at 60% MFI) and 1 affordable covenant unit of the two-bedroom type (at 50% MFI).

Building Spaces for Special Uses: Retail Uses (id. § 305.5(j)): The Project commits to providing approximately 7,442 square feet of retail uses (subject to the flexibility requested herein) on the ground floor.

The Applicant will provide relocation assistance to the operator of the Ordinary People Barber Shop during construction of the Project and will provide the Ordinary People Barber Shop with an option to relocate to the retail space within the Project at a reduced rent for up to 20 years.

For the life of the Project, the Applicant shall set aside a minimum of 7,442 square feet on the ground floor (subject to the flexibility requested herein) of the Project for retail uses.

For up to 20 years after the date of issuance of the first certificate of occupancy for the Project, the Applicant shall reserve a minimum of 750 rentable square feet of the non-residential gross floor area of the ground floor of the Project for the Ordinary People Barber Shop.

Environmental and Sustainable Benefits: LEED Gold (id. § 305.5(k)): The Applicant proposes to construct the Project to LEED Gold v4 certification. An LEED checklist is included with the Final Plans. The Project shall also integrate other sustainable design features, including solar panels as a renewable energy source on the roof of the Project and 2 electric vehicle charging stations in the parking garage.

Prior to the issuance of a final certificate of occupancy for the Project, the Applicant shall provide the Zoning Administrator with evidence that the Project has or will achieve the requisite number of prerequisites and points necessary to secure LEED Gold v4 certification or higher from the U.S. Green Building Council.

<p><u>Other Public Benefits - Solar Utility Credit</u> <i>(id. § 305.5(r))</i>: The Project’s solar panels are anticipated to generate approximately 13,000 kWh/year and roughly \$1,500 in avoided electrical costs in a year.</p>	<p><u>For the life of the Project</u>, if the tenants of the Inclusionary Zoning Units and the units subject to the affordable covenants are responsible for their own utility bills, the Applicant shall provide a \$50.00 discount to such tenants’ annual rent.</p>
<p>The Applicant shall have flexibility in the following areas:</p> <ol style="list-style-type: none"> 1. To vary the proposed residential unit range by 5-10%; 2. To vary the number of proposed parking spaces by 5-10%; and to make refinements to parking and loading configurations, so long as the required parking and loading complies with the side, location, access, maintenance and operation requirements of the Zoning Regulations; 3. To vary the amount of retail square footage by 25%; 4. To vary the design of the retail space per the specifications of the retailer, actual retail bay elevations will be developed by individual retail tenants, approved by the building owner and may change over time to accommodate leasing cycles; 5. To vary the selection of public art; 6. To vary the final selection of exterior materials within the color ranges and general material types proposed, based on availability at time of construction; and 7. To vary floor to floor heights as design is refined. 	
<p><u>Other Conditions:</u></p>	<ol style="list-style-type: none"> 1. <u>RPP Restrictions.</u> <u>For the life of the Project</u>, the Applicant shall prohibit residents of the Project from participating in the District’s Residential Permit Parking (“RPP”) Program through a clause in all leases for residents that prohibits residents from applying for obtaining RPPs, or using an RPP guest pass within one mile of the Property. 2. <u>Transportation Demand Management Measures.</u> <u>For the life of the Project</u>, the Applicant shall provide the following transportation demand management (“TDM”) measures: <ul style="list-style-type: none"> - Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential or retail unit and charge a minimum rate based on the average market rate within a quarter mile. - Identify Transportation Coordinators for the planning, construction, and operations phases of development. The

	<p>Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement.</p> <ul style="list-style-type: none">- Will 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.- Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to residents and employees, 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.- Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.- Provide residents and retail employees 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.- Will not lease unused parking spaces to anyone aside from tenants of the building (e.g., will not lease to other nearby office employees, single-family home residents, or sporting events).- Will meet or exceed Zoning Regulations of 2016 short- and long-term bicycle parking requirements. Long-term bicycle space will be provided free of charge to residents and employees. There are 65 long-term spaces required; 72 long-term spaces provided. Fourteen (14) short-term
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	<p>spaces required; 14 short-term spaces provided.</p> <ul style="list-style-type: none">- Long-term bicycle storage room will accommodate non-traditional sized bikes including cargo, tandem, and kids bikes.- Provide a bicycle repair station in each long-term bicycle parking storage room.- Provide a free SmarTrip card or a complimentary Capital Bikeshare coupon good for one ride to every new resident and employee.- Electrical outlets will be provided within the long-term bicycle storage room for the charging of electric bikes.- Offer an annual CaBi membership to each resident and employee for the first year after the building opens. <p><u>Following the issuance of a certificate of occupancy for the Project,</u> the Project's Transportation Coordinator shall submit to the Office of Zoning for inclusion in the IZIS case record of the case documentation summarizing compliance with the transportation and following TDM conditions of this Order.</p> <p><u>Five years after the issuance of the final certificate of occupancy for the Project,</u> if the Transportation Coordinator has not established a relationship with DDOT or goDCgo, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo summarizing continued substantial compliance with the transportation and following TDM conditions in the Order, unless no longer applicable as confirmed by DDOT; provided, that if such letter is not submitted on a timely basis, the Applicant shall have sixty (60) days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter.</p>
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For the life of the Project, for the residential component of the Project, the Applicant shall provide the following TDM measures:

- Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing info@godcgo.com.
- Transportation Coordinator will subscribe to goDCgo's residential newsletter.
- Post all TDM commitments on website, publicize availability, and allow the public to see what commitments have been promised.
- Install a Transportation Information Center Display (electronic screen) within the lobby containing information related to local transportation alternatives. At a minimum, the display should 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.
- Provide one (1) collapsible shopping cart (utility cart) for every 50 residential units, for a total of four (4) to encourage residents to walk to the grocery shopping and run errands.

For the life of the Project, for the retail component of the Project, the Applicant shall provide the following TDM measures:

- Will post "getting here" information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links

	<p>will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons and employees discouraging parking on-street in Residential Permit Parking (RPP) zones.</p> <ul style="list-style-type: none">- Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees who work on-site are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future.- Ownership of building will offer discounted annual memberships to on-site retail employees via the Capital Bikeshare Corporate Membership program.
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The Applicant looks forward to the Commission's action on this matter. Please feel free to contact the undersigned with any questions.

Respectfully submitted,

/s/ Allison C. Prince

/s/ Jennifer Logan

Enclosures

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Certificate of Service

I certify that on or before June 10, 2021, I delivered a copy of the foregoing document via e-mail to the addresses listed below.

/s/ Jennifer Logan

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