

July 16, 2024

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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. 03-05A  
Applicant’s Final Proffers and Conditions for Order**

Chairperson Hood and Honorable Members of the Commission:

On behalf of Applicant NRP Properties LLC (the “Applicant”), the following constitutes the Applicant’s final public benefits and conditions that are specific and enforceable as required under Subtitle X § 308.8 *et seq.*<sup>1</sup>

Proffered Benefit	Proposed Condition
<p><u>Superior Urban Design and Architecture (Subtitle X § 305.5(a))</u></p> <p><u>Site planning and efficient and economical land utilization (Subtitle X § 305.5(c))</u></p> <p><u>Other Public Benefits Advancing Policy Objectives (Subtitle X § 305.5(r))</u></p> <p>The Project will improve a relatively small lot encumbered with several easements with 127 affordable dwelling units and ground-floor retail space. The Project provides new affordable dwelling units in a highly-amenitized and transit-friendly mixed-use</p>	<p><b>A. <u>Project Development</u></b></p> <p>1. The Project shall be developed substantially in accordance with the architectural plans and drawings submitted on June 11, 2024 at Exhibits 19A1-19A2, as modified in the Applicant’s Post-Hearing Submission dated July 8, 2024, and marked as Exhibit 28A in the case record (collectively, the “Architectural Plans”).</p> <p>2. The Applicant shall have flexibility with the design of the PUD in the following areas:</p>

<sup>1</sup> At the request of the Office of Zoning Legal Division, the Applicant revised the formatting for the proffers and conditions from the prior submission (Ex. 29-29A) to better adhere to the requirements of Subtitle X § 308.10.

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neighborhood. The Project will also provide amenity spaces for residents including a children's play room, gym and business center as well as wrap-around services provided by the Marshall Heights Community Development Organization. The Project incorporates a vibrant design blending modern and historic warehouse influences common to The Yards neighborhood. The Project also maintains publicly-accessible plaza space to the front and rear.

- a. Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the Modified Plans.
- b. Exterior Materials – Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the Modified Plans.
- c. Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the Modified Plans. Examples of exterior details include, but are not limited to, doorways, canopies, railings, and skylights.
- d. Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division or the Public Space Committee or other permitting process.
- e. Signage: To vary the number, font, message, logo, and color of the Project signage, provided that the maximum overall dimensions and signage materials are consistent with the signage

	<p>on the Modified Plans and are compliant with the D.C. signage regulations.</p> <p>f. Residential Units: To modify the number of residential units by plus or minus 5%, provided that (1) the total square footage of the Project’s residential dwelling units shall not be reduced, and (2) the percentage of gross floor area square footage reserved for the affordable housing shall not be reduced; and (3) the number of three-bedroom units shall not be reduced below forty (40) as reflected in the Modified Plans.</p> <p>g. Sustainable Features: To vary the approved sustainable features of the Project and the features, means, and methods of achieving the required GAR and Enterprise Green Communities certifications.</p> <p>3. The Applicant shall have flexibility from the zoning requirements for vehicular parking, loading berth and service-delivery space, and side yard for a planned unit development.</p>
<p><u>Affordable Housing (Subtitle X § 305.5(g))</u></p> <p><u>Housing (Subtitle X § 305.5(f))</u></p> <p>The Project will provide 127 all-affordable units. All of the Project’s dwelling units will be reserved at an average affordability level no greater than 60% of Area Media Income (“AMI”), with some units as low as 30% AMI</p> <p>Additionally, the Project will have 40 three-bedroom units, which represents 31% of all units.</p>	<p><b><u>B. Public Benefits</u></b></p> <p>1. The Applicant shall provide affordable housing as set forth in this condition:</p> <p>a. For so long as the Project is subject to public financing-related affordability restrictions (“Initial Affordability Period”), all of the Project’s dwelling units shall be reserved at an average affordability level no greater than 60% of Area Media Income (“AMI”), with some units as low as 30% AMI. The affordability level assumes that the Applicant will be granted an exemption from the Inclusionary Zoning</p>

	<p>Regulations (“IZ”) set forth in Subtitle C, Chapter 10 of the Zoning Regulations, pursuant to 11 DCMR Subtitle C § 1001.6. However, the Commission takes no position as to whether an exemption from the IZ Regulations should be granted;</p> <p>b. 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</p> <p>c. Should the exemption from the IZ Regulations be denied, the equivalent of 8% of the residential gross floor area of the Project shall become IZ units in accordance with the IZ Regulations and the remaining units shall be 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 8% 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.</p> <p>2. Following the conclusion of the Initial Affordability Period, and for so long thereafter as the Project exists, the Project shall reserve no less than eight percent (8%) of the Project’s gross floor area at 60% AMI.</p> <p>3. <b><u>For the Life of the Project</u></b>, at least forty (40) of the dwelling units will be three-bedroom units.</p>
<p><u>Environmental and Sustainable Benefits</u> (Subtitle X § 305.5(k))</p>	<p>5. <b><u>Prior to the issuance of a Certificate of Occupancy for the Project</u></b>, the Applicant shall furnish a copy of its preliminary Enterprise Green Communities Plus certification application to the Zoning</p>

<p>The Project will achieve Enterprise Green Communities Plus certification and will include a large green roof and solar panels.</p>	<p>Administrator demonstrating that the building has been designed to meet the Enterprise Green Communities Plus standard for residential buildings.</p>
<p>Transportation Demand Management Measures</p>	<p><b>C. <u>Transportation</u></b></p> <p>1. <b><u>For the Life of the Project</u></b>, the Applicant shall implement the following Transportation Demand Management (“TDM”) measures:</p> <ul style="list-style-type: none"> <li>a. Identify a Transportation Coordinator for the planning, construction, and operations phases of development. The Transportation Coordinator will act as the point of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo.</li> <li>b. Develop, distribute, and market various transportation alternatives and options to residents, including promoting transportation events (e.g., Bike to Work Day, National Walking Day, Car Free Day) on the property website and in any internal building newsletters or communications;</li> <li>c. Direct the Transportation Coordinator to subscribe to goDCgo’s residential newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan;</li> <li>d. 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 <a href="mailto:info@godcgo.com">info@godcgo.com</a>.</li> </ul>

	<ul style="list-style-type: none"> <li>e. Post all transportation and TDM commitments on the building website, publicize availability, and allow the public to see what has been promised;</li> <li>f. Offer a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to every new resident;</li> <li>g. Provide at least 10 short- and 56 long-term bicycle parking spaces, exceeding ZR16 minimum requirements for at least six (6) short- and 42 long-term bicycle parking spaces;</li> <li>h. Accommodate non-traditional sized bicycles including cargo, tandem, and kids bicycles in the long-term bicycle storage room, with two (2) spaces that will be designed for longer cargo/tandem bicycles, six (6) spaces that will be designed with electrical outlets for the charging of electric bicycles and scooters, and dual electrical outlets installed at 6-foot intervals throughout the storage room to accommodate additional electrical bicycles and scooters in the future. There will be no fee to building employees or residents for the usage of the bicycle storage room, and strollers will also be permitted to be stored in the bicycle storage room.</li> </ul>
<p>Loading Management Measures</p>	<p>2. <b><u>For the Life of the Project</u></b>, the Applicant shall provide the following loading management measures:</p> <ul style="list-style-type: none"> <li>a. A loading manager will be designated by the building management who will be on duty during delivery hours. The loading manager will be responsible for coordinating with vendors and tenants to schedule deliveries and will work with the community and neighbors to resolve any conflicts should they arise;</li> </ul>

	<ul style="list-style-type: none"><li>b. Lease provisions will require all residential tenants to use only the designated loading zone for all move-in and move-out activities through coordination with the loading zone;</li><li>c. All tenants and retail vendors will be required to schedule deliveries that utilize the loading zone (any loading operation conducted using a truck 20-feet in length or larger);</li><li>d. The loading manager will schedule deliveries using the loading zone such that the zone's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the loading zone is full, that driver will be directed to return at a later time when the loading zone will be available so as to not compromise safety or impede Tingey Street and New Jersey Avenue functionality;</li><li>e. The loading manager will schedule residential loading activities so as not to conflict with retail deliveries. All residential loading will need to be scheduled with the manager;</li><li>f. Trucks using the loading zone 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 goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map (<a href="http://godcgo.com/freight">godcgo.com/freight</a>);</li><li>g. The loading manager will be responsible for providing suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the development's loading zone as well as notifying all drivers of any access or egress</li></ul>
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	<p>restrictions. The residential and retail loading managers will also distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure, to drivers as needed to encourage compliance with idling laws. The residential and retail loading managers will coordinate to post these materials and other relevant notices in a prominent location adjacent to the loading zone;</p> <ul style="list-style-type: none"><li data-bbox="846 596 1422 846">h. The loading manager will coordinate with building staff to roll trash receptacles from the building to the curb for collection. Trash bins will be rolled to the curb at the time of collection and will be expeditiously returned to the building trash room;</li><li data-bbox="846 884 1422 1171">i. “No Parking: Loading Zone” signs will be used to demarcate the loading zone, and “No Parking” signs will be used to demarcate the pick-up/drop-off zone. The exact restrictions and placards will be determined by DDOT’s Curbside Management Division (CMD) during public space permitting;</li><li data-bbox="846 1209 1422 1459">j. The loading manager will schedule deliveries so that no deliveries should arrive within three (3) hours prior to or three (3) hours after a game or other event at Nationals Park, consistent with the Audi Field + Nationals Park Traffic Operations &amp; Parking Plan;</li><li data-bbox="846 1497 1422 1856">k. The loading zone along Tingey Street SE will be approximately 60 feet in length and solely dedicated to residential and retail loading for the building. The pick-up/drop-off zone along New Jersey Avenue will be approximately 40 feet in length and the loading zone along New Jersey Avenue will be approximately 48 feet in length. The exact dimensions will be</li></ul>
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	<p>determined by CMD during public space permitting;</p> <ol style="list-style-type: none"> <li>l. The loading manager will use traffic cones to block off the loading zone and actively manage deliveries and move-ins/outs;</li> <li>m. The loading manager will call 311 to obtain DPW enforcement of the parking restriction in the loading zone and pickup/drop-off zone as needed; and</li> <li>n. The Applicant will provide a curbside management and signage plan, as well as a copy of this LMP, in the public space construction permit application.</li> </ol>
<p>Requirement to Record, Timing, Human Rights Act, and Compliance with Conditions</p>	<p><b>D. <u>Miscellaneous</u></b></p> <ol style="list-style-type: none"> <li>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 Zoning, Legal Division and the Zoning Division, Department of Buildings. 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.</li> <li>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.</li> <li>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,</li> </ol>

	<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.</p> <p>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.</p>
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Thank you for your attention to this matter and we look forward to the Commission’s hearing on July 25, 2024.

Sincerely,  
COZEN O’CONNOR



Meridith Moldenhauer



Eric J. DeBear

**Certificate of Service**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of July, 2024, a copy of the applicant's final proffers and conditions was served, via email, on the following:

District of Columbia Office of Planning  
c/o Shepard Beamon  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[Shepard.Beamon@dc.gov](mailto:Shepard.Beamon@dc.gov)

D.C. Department of Transportation  
c/o Preston Jutte  
55 M Street SE, 5<sup>th</sup> Floor  
Washington, DC 20003  
[Preston.Jutte@dc.gov](mailto:Preston.Jutte@dc.gov)

Advisory Neighborhood Commission 8F  
c/o Edward Daniels, Chair  
Rick Murphree, SMD 8F02  
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