

# Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Leila M. Jackson Batties  
202.419.2583  
Leila.batties@hklaw.com

June 30, 2017

## **VIA IZIS AND HAND DELIVERY**

Zoning Commission  
of the District of Columbia  
441 4<sup>th</sup> Street, NW, Suite 210  
Washington, DC 20001

**Re: Z.C. Case No. 16-24 / 1336 8th Street SPE LLC  
Applicant's Revised Proposed Proffers and Conditions**

Dear Members of the Commission:

On behalf of the above-named applicant, we hereby submit the revised proffers and corresponding conditions chart, in compliance with the Zoning Commission's procedures of Subtitle X § 308.8 *et seq.* This revision incorporates the comments received from the Office of the Attorney General, as shown in track changes. Final action on the application is scheduled for July 11.

Thank you for your considerate attention to this matter.

Sincerely,



Leila M. Jackson Batties, Esq.

Enclosures

cc: Advisory Neighborhood Commission 6E c/o Chair Alexander M. Padro  
(w/enclosures, via email)  
Commissioner Frank S. Wiggins, Single Member District ANC 6E03  
(w/enclosures, via email)  
Alan Bergstein, Esq., Office of the Attorney General (w/ enclosure, via email)  
Jacob Ritting, Esq., Office of the Attorney General (w/ enclosure, via email)  
Mr. Joel Lawson, D.C. Office of Planning (w/enclosures, via email)  
Ms. Karen Thomas, D.C. Office of Planning (w/enclosures, via email)

Zoning Commission of the District of Columbia  
November 7, 2016  
Page 2

**The Residences at City Market**  
**Z.C. Case No. 16-24**  
**(Consolidated PUD and Related Map Amendment)**

Proffer	Condition
<p>1. <u>Urban Design and Architecture; Landscaping and Open Space; Property Planning &amp; Efficient &amp; Economical Land Utilization (§ 305.5(a) – (c))</u>. As a natural extension of CityMarket at O, the Project will be a major catalyst to the continued revitalization of Shaw. Vehicular access to the parking ramp and loading facilities will occur from the adjacent alley along the west side of the Property, which will result in the elimination of the existing curb cut on 8<sup>th</sup> Street that currently serves the Property and also minimize vehicular and pedestrian conflicts, improve the pedestrian character of the street, and provide an opportunity for additional street parking. Architecturally assembled from a collection of forms, each with its own unique expression, the Project serves as a bridge from the existing two and three story row houses in the neighborhood to the larger Shaw developments, including City Market at O.</p>	<p>A1. The Project shall be developed in accordance with the Plans, dated May 5, 2017. (Ex. 26A1 through Ex. 26A11.)</p> <p>A2. In accordance with the Plans, the PUD shall be a mixed-use project with residential use, generating approximately 85 units, and non-residential uses, which includes approximately 1,500 square feet of space for use by the Church.</p> <p>A3. The Project shall have a maximum density of up to 7.2 FAR and shall have a maximum building height of approximately 98 feet. The Project shall include 23 below grade parking spaces. Vehicular access to the garage and to the associated loading facilities shall be from the public alley along the west side of the Property.</p>
<p>2. <u>Affordable Housing (§ 305.5(g))</u>. The Applicant is required to set aside 30% of the total units within the Project as affordable units, for the life of the Project. Half of the affordable units will be reserved for households earning up to 50% of AMI and the other half of the affordable units will be reserved for households earning up to 80% of AMI.</p>	<p>B1. <b>For the life of the Project</b>, the Applicant shall set aside 30% of the total units within the Project as affordable units. Half of the affordable units shall be reserved for households earning up to 50% of AMI and the other half of the affordable units shall be reserved for households earning up to 80% of AMI- <a href="#">in accordance with the below chart.*</a></p>
<p>3. <u>Environment and Sustainable Benefits (§ 305.5(k))</u>. The Project will achieve a minimum of 60 LEED points, which is equivalent to LEED-Gold certification under the United States Green Building Council LEED for New Construction v2009. Additionally, the roof of the elevator overrun, the roof of the penthouse, and a portion of the penthouse level patio space will be planted with an extensive green roof system. Much of this terrace will be planted with ornamental trees, shrubs, and ground plane</p>	<p>B2. <b>Prior to issuance of a Certificate of Occupancy for the Project</b>, the Applicant shall demonstrate that the Project will achieve a minimum of 60 LEED points, which is equivalent to LEED-Gold certification under the United States Green Building Council LEED for New Construction v2009.</p> <p>B3. <a href="#">The roof level of the building and the penthouse level patio space shall be landscaped substantially in compliance with the Composite</a></p>

Proffer	Condition
<p>plantings. The roof of the portion of the building that extends below grade will function as a planted courtyard with <a href="#">small terraces provided for two of the units at the interior courtyard. In addition to cooling the environment, the planted roof areas will be used manage storm water runoff.</a></p>	<p><a href="#">Roof Plan on Sheet L-02 of the Plans.</a></p>
<p>4. <u>Transportation Infrastructure (§ 305.5(o)).</u> As part of the Project, the Applicant will widen a portion of the adjacent alley by 5 feet (from 10 feet to 15 feet). When considered in conjunction with the additional 10 feet of alley being constructed as part of the PUD immediately to the west of the Property, the future alley will provide improved functionality for all users. In addition, the Applicant developed a Transportation Demand Management (“TDM”) to promote non-auto modes of transportation.</p>	<p><b>C1. Prior to the issuance of a Certificate of Occupancy for the Project,</b> the Applicant shall widen a portion of the adjacent alley by 5 feet (from 10 feet to 15 feet) as shown on the Plans.</p> <p><b>C2. For first three years of operation of the Project,</b> the Applicant shall provide one annual Capital Bikeshare membership the first resident(s) of each individual unit. This benefit shall be codified in the rental/condominium documents.</p> <p><b>C3. During the operation of the building,</b> the Applicant shall provide a Transportation Management Program, as set forth in the TDM section of the Comprehensive Transportation Review (Ex. 24A) and as supplemented by the Applicant at the public hearing. The TDM Plan shall include the following:</p> <ul style="list-style-type: none"> <li>a. The Applicant shall identify TDM Leaders (for planning, construction, and operations). The TDM Leaders shall work with residents and employees in the building to distribute and market various transportation alternatives and options.</li> <li>b.</li> <li>c. The Applicant shall provide TDM materials to new residents in the Residential Welcome Package materials;</li> <li>d.</li> <li>e. The Applicant shall unbundle parking costs from the price of lease or purchase of the Project’s units;</li> <li>f.</li> <li>g. The Applicant shall provide bicycle parking and storage facilities at the Property that meet or exceed Zoning Requirements. This shall include secure parking located on-site and short-term</li> </ul>

Proffer	Condition
	<p>bicycle parking around the perimeter of the Property;</p> <p>h.</p> <p>i. The Applicant shall provide 6 short-term bicycle spaces (3 inverted U-racks), in the public space adjacent to the Property;</p> <p>j.</p> <p>k. The Applicant shall install a transit information screen (electronic screen) within the residential lobby containing information related to local transportation alternatives;</p> <p>l.</p> <p>m. The Applicant shall provide a bicycle repair station in the bicycle storage room; and</p> <p>n.</p> <p>o. The Applicant shall provide updated contact information for the TDM Coordinator and report TDM efforts and amenities to goDCgo staff once per years.</p>
<p>5. <u>Uses of Special Value to the Neighborhood or the District as a Whole ((§ 305.5(q)).</u></p> <ol style="list-style-type: none"> <li>1. The Applicant will provide 25 parking spaces at the parking garage at CityMarket at O for the Church.</li> <li>2. The Project will include approximately 1,350 square feet of space for use by the Church.</li> <li>3. The Applicant will contribute \$100,000 to fund events and programs over a two-year period that promote the retail and restaurant venues in the Shaw neighborhood. Confirmation of the monetary contribution and the events/programs that will be funded shall be documented in an agreement between the Applicant and a local organization, which shall be submitted to the Zoning Administrator prior the issuance of a certificate of occupancy for the retail component of the PUD.</li> <li>4. The Applicant will contribute \$25,000 to the Department of Parks and Recreation, which is to be utilized to enhance</li> </ol>	<p>B3. <b>During the operation of the Project</b>, the Applicant shall provide 25 parking spaces at the parking garage at CityMarket at O for the Church.</p> <p>B4. <b>During the operation of the Project</b>, the Applicant shall provide approximately 1,500 square feet of space in the Project for use by the Church.</p> <p>B5. <b>Prior to the issuance of a Certificate of Occupancy for the retail component of the Project, the</b> Applicant shall contribute a total of \$100,000 to fund events and programs over a two-year period that promote retail and restaurant venues in the Shaw neighborhood. <del>Confirmation of the monetary contribution and the events/programs that will be funded shall be documented in an agreement between the Applicant and a local organization, which</del> <b>Prior to the issuance of a Certificate of Occupancy for the retail component of the Project, the</b> Applicant shall <del>be submitted</del> provide proof to the Zoning Administrator <u>that the events and programs have taken place or are scheduled to take place.</u></p> <p>B6. <b>Prior to the issuance of a Certificate of Occupancy for the Project</b>, the Applicant shall</p>

Proffer	Condition
programming for youth activities at the Kennedy Recreation Center.	contribute \$25,000 to the Department of Parks and Recreation, which is to be utilized to enhance programming for youth activities at the Kennedy Recreation Center.

\*  
—

Residential Unit Type	Floor Area / % of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	77,276 / 100%	85				
Market Rate	58,881 / 76%	59				
Affordable / Non IZ	9,432 / 12%	13	80% AMI	In perpetuity	N/A*	15.3% of total units
Affordable / Non IZ	8,963 / 12%	13	50% AMI	In perpetuity	N/A*	15.3% of total units

*\* Per LDDA between Applicant and District*

Document comparison by Workshare Compare on Friday, June 30, 2017  
10:48:01 AM

Input:	
Document 1 ID	interwovenSite://HKDMS/Active/51872721/2
Description	#51872721v2<Active> - Roadside / 8th & O / BAFO Chart
Document 2 ID	C:\NRPortb\Active\JOGAON\51872721_4.docx
Description	C:\NRPortb\Active\JOGAON\51872721_4.docx
Rendering set	Standard

Legend:	
<a href="#">Insertion</a>	
<del>Deletion</del>	
<del>Moved from</del>	
<a href="#">Moved to</a>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	12
Deletions	6
Moved from	1
Moved to	1
Style change	0
Format changed	0
Total changes	20