

# Holland & Knight

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October 8, 2020

## VIA IZIS

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

**Re: Z.C. Case No. 20-09 - Applicant's Revised Proffers and Conditions  
Consolidated PUD and Zoning Map Amendment  
2419 25<sup>th</sup> Street, SE (Square 5740, Lot 337)**

Dear Members of the Commission:

On behalf of Wagner, LLC (the "Applicant"), we hereby submit the Applicant's revised list of proffers and corresponding conditions, as reviewed by the Office of the Attorney General, in compliance with the Zoning Commission's procedures of 11-X DCMR § 308.8 *et seq.* Revisions agreed to with OAG are shown in track changes.

Thank you for your attention to this matter.

Sincerely,

HOLLAND & KNIGHT LLP



Kyrus L. Freeman  
Jessica R. Bloomfield

Enclosure

cc: Certificate of Service  
Crystal Myers, D.C. Office of Planning (with enclosure via Email)  
Aaron Zimmerman, DDOT (with enclosure via Email)  
Kimberly Vacca, DDOT (with enclosure via Email)  
Commissioner Leonard Lee Watson Jr., ANC 8B01 (with enclosure via Email)  
Jacob Ritting, Office of the Attorney General (with enclosure via Email)

ZONING COMMISSION  
District of Columbia  
CASE NO.20-09  
EXHIBIT NO.28

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the Applicant's revised proffers and conditions were sent to the following on October 8, 2020:

Ms. Jennifer Steingasser  
D.C. Office of Planning  
1100 4<sup>th</sup> Street, SW – Suite E650  
Washington, DC 20024

VIA EMAIL

Advisory Neighborhood Commission 8B  
c/o Commissioner Keeon Johnson  
ANC 8B Chair  
[8B07@anc.dc.gov](mailto:8B07@anc.dc.gov)

VIA EMAIL



Jessica R. Bloomfield  
Holland & Knight LLP

**PROPOSED PUD BENEFITS AND AMENITIES**

**Revised Submission – October 8, 2020**

**Z.C. Case No. 20-09**

**Consolidated PUD and Related Map Amendment**

**2419 25th Street, SE (Square 5740, Lot 337)**

**Wagner, LLC**

*Comments from OAG Shown in Track Changes*

<u><b>Proffer</b></u>	<u><b>Condition</b></u>
<p><u><b>Superior Urban Design, Architecture, and Landscaping (11-X DCMR § 305.5(a) and (b)).</b></u> The proposed height and massing of the Project have been carefully designed to relate to the surrounding context. The massing steps down from five stories to four stories from 25th Street to the west, and further steps down in relationship to the changing grade to maintain the lower scale in relation to the adjacent context. The design also includes significant façade articulation, projections and balconies where appropriate, and high-quality materials that will create dynamic views. At the ground level, the Project has been designed to address and activate the street with inviting landscaping and a significantly improved streetscape. The landscape elements on the PUD Site include varied and attractive landscape in public space along both 25th and Wagner Streets, screening from adjacent properties, enhanced landscaping at the main entrance, an extension of a new public sidewalk adjacent to the Site along Wagner Street, and a curb extension. The Project also includes a mix of sustainable stormwater techniques such as ground level bioretention, green roof, and permeable pavement at the parking spaces.</p> <p>At the request of Office of Planning the Applicant also incorporated dedicated outdoor space for building residents in the form of a patio at the ground floor level and a roof deck at the 4<sup>th</sup> level. The ground floor</p>	<p>The Project shall be developed substantially in accordance with the Architectural Plans and Elevations prepared by Torti Gallas Urban, dated September 4, 2020, and included in the record at Exhibit 20A (the “Plans”), as modified by the guidelines, conditions, and standards herein. The landscaping and streetscape improvements shall be constructed in compliance with Sheets C03, L01, L03-L08 of the Plans</p>

<p>patio is adjacent to the main entrance and will have a canopy to provide shelter from the elements and outdoor seating options. The roof deck will provide an additional outdoor gathering space for residents and will also include seating options, shade umbrellas, and views of the surrounding area.</p>	
<p><b><u>Site Planning and Efficient and Economical Land Utilization; Streetscape Plans and Implementation (11-X DCMR §§ 305.5(c) and (l)).</u></b> The Project includes a number of best planning practices within a site that has been vacant and highly underutilized for many years. These practices include establishing a new residential community with a variety of unit types and at 60% of the MFI; developing housing that is reserved exclusively for seniors to successfully age in place in a walkable and mixed-use neighborhood; and creating density directly adjacent to a variety of Metrobus lines and without a significant number of on-site parking spaces to encourage the use of public transportation. The Project also provides a pedestrian-friendly streetscape with public space improvements that include an extension of a new sidewalk adjacent to the Site along Wagner Street, new street trees, and a curb extension. Varied and interesting landscape treatment in public space is provided that enhances both the building and the pedestrian experience. Bicycle parking and benches are also provided near the building’s main entrance. All public space improvements will be subject to final review and approval by the DDOT Public Space Committee</p>	<p>The Project shall be developed substantially in accordance with the Architectural Plans and Elevations prepared by Torti Gallas Urban, dated September 4, 2020, and included in the record at Exhibit 20A (the “Plans”), as modified by the guidelines, conditions, and standards herein. The landscaping and streetscape improvements shall be constructed in compliance with Sheets C03, L01, L03-L08 of the Plans.</p>
<p><b><u>Housing that Exceeds the Amount Required through Matter-of-Right Development under Existing Zoning and Senior Housing (11-X DCMR § 305.5(f)(1) and (2)).</u></b> The Project results in the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, the FLUM, and the Mayor’s housing</p>	<p><b><u>For the life of the Project,</u></b> the Applicant shall dedicate a minimum of approximately 50,733 square feet of GFA to residential use.</p> <p><b><u>For the first 40 years of the Project,</u></b> the Applicant shall dedicate a minimum of approximately 50,733 square feet of GFA as senior housing.</p>

initiative. Overall, the Project will replace a vacant and highly underutilized site with approximately 67 new residential units and approximately 50,733 square feet of residential GFA, all of which will be reserved for seniors earning up to 60% of the MFI. In contrast, under the current R-3 zoning, only approximately up to 35,282 square feet of residential GFA could potentially be developed on the Property as a matter of right not taking into account existing site considerations, based upon the R-3 zone’s maximum building height of three stories and maximum lot occupancy of 60% for row dwellings and places of worship. Of this, approximately 3,528 square feet of GFA (10% of GFA) would be required for IZ.

**Affordable Housing that Exceeds the Amount Required through Matter-of-Right Development Under Existing Zoning (11-X DCMR § 305.5(g)).** The Project is consistent with the affordable housing goals of the Comprehensive Plan and even more specifically with the goals set forth in the Mayor’s Housing Report and Mayor’s Order. Accordingly, the Project will significantly exceed the amount of affordable housing that would be required at the Site through matter-of-right development under the existing R-3 zoning. As a matter of right, the IZ set-aside for development at the PUD Site would be approximately 3,528 square feet (approximately 10% of the maximum permitted residential GFA of 35,282 in the R-3 zone). In contrast, the Project will dedicate approximately 50,733 square feet of GFA to affordable housing (100% of the residential GFA), or an increase of approximately 46,205 square feet of GFA. The affordable units will be provided at 60% of the MFI and will be reserved exclusively for seniors. One-hundred percent of the units will be dedicated as affordable housing as described above for a minimum of 40 years. After that, the Applicant will dedicate a minimum of 12% of

The Applicant shall provide affordable housing as set forth in this condition:

1. The Applicant shall provide affordable housing as set forth in the following chart, subject to the subsequent paragraphs of this condition:

Residential Unit Type	Income Type	Gross Floor Area / 100% of total	# of Units	Affordable Control Period	Affordable Unit Type
<b>Total Affordable Non-IZ</b>	Up to 60% MFI	50,733 sf (100%)	67	40 years	Rental
<b>IZ</b>	Up to 60% MFI	6,088 sf (12%)	8	41+ years	Rental

2. Each control period shall commence upon the **issuance of the first certificate of occupancy for the Project;**
3. The chart assumes that the Applicant will be granted an exemption from the requirements of the IZ program of Subtitle C, Chapter 10 during the 40-year period of Low Income Housing Tax Credit (“LIHTC”) financing for the Project, pursuant to Subtitle C § 1001.6 (“IZ Exemption”), although the Commission takes no

<p>the residential GFA to IZ units to be reserved at 60% of the MFI for the life of the Project.</p>	<p>position as to whether the IZ Exemption should be granted;</p> <ol style="list-style-type: none"> <li>4. Should the IZ Exemption be granted, the affordable housing requirements of this condition shall be stated in the covenant required by Subtitle C § 1001.6(a)(4); and</li> <li>5. Should the IZ Exemption be denied, the Applicant shall provide 6,088 square feet of affordable housing (12%) affordable to households earning up to 60% of MFI. The Applicant shall record the covenant required by the Inclusionary Zoning Act as to 12% of the residential GFA of the Project and shall execute the monitoring and enforcement documents required by Subtitle X § 311.6.</li> </ol>
<p><b><u>Employment and Training Opportunities (11-X DCMR § 305.5(h))</u></b>. If LIHTC financing is provided for the Project, then the Applicant will comply with any applicable CBE subcontracting requirements.</p>	<p><b><u>Prior to the issuance of the first Certificate of Occupancy for the Project</u></b>, the Applicant shall demonstrate to the Zoning Administrator that it has submitted an executed CBE agreement to DSLBD that requires the Applicant to comply with all applicable CBE subcontracting requirements related to the Project. <b><u>This condition applies only if LIHTC financing is provided for the Project.</u></b></p>
<p><b><u>Transportation infrastructure beyond that needed to mitigate any potential adverse impacts of the application (11-X DCMR § 305.5(o))</u></b>. The Applicant will install a curb extension (bulb-out) at the corner of 25<sup>th</sup> and Wagner Streets to facilitate easier pedestrian movements.</p>	<p><b><u>Prior to the issuance of the first Certificate of Occupancy for the Project</u></b>, the Applicant shall demonstrate to the Zoning Administrator that it has installed a curb extension (bulb-out) at the corner of 25<sup>th</sup> and Wagner Streets, consistent with the curb extension shown on Sheets C03 and L01 of the Plans, subject to any modifications required to obtain DDOT’s approval during public space permitting.</p>
<p><b><u>Uses of Special value to the Neighborhood (Subtitle X § 305.5(q))</u></b>. The Applicant will make contributions to the organizations and purposes described below as follows:</p> <ol style="list-style-type: none"> <li>1. The Applicant will purchase a minimum of \$20,000 of laptops and deliver them to ANC 8B for distribution to students within ANC 8B boundaries for the 2020-2021 academic year. The laptops will be in</li> </ol>	<p><b><u>Prior to the issuance of the first certificate of occupancy for the Project</u></b>, the Applicant shall demonstrate to the Zoning Administrator that it has done the following, <b><u>and that the identified items and services have been or are being provided:</u></b></p> <ol style="list-style-type: none"> <li>1. Purchased a minimum of \$20,000 of new laptops that have cameras and come with or are able to install Microsoft Office, and provided evidence that such laptops were delivered to ANC 8B for</li> </ol>

new condition, have cameras, and come with or be able to install Microsoft Office, such that students will be able to successfully complete distance learning;

2. The Applicant will donate \$7,000 to Families on the Rise to fund programming to provide mental health services for youth in ANC 8B; and
3. The Applicant will donate \$5,000 to The Gerald Project to fund programming to assist with services for youth in ANC 8B impacted by gun violence.

distribution to students for the 2020-2021 academic year;

2. Donated \$7,000 to Families on the Rise to fund programming to provide mental health services for youth in ANC 8B; and
3. Donated \$5,000 to The Gerald Project to fund programming to assist with services for youth in ANC 8B impacted by gun violence.