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September 14, 2021

## **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. 20-12 - Applicant's Supplemental Prehearing Submission  
Consolidated PUD and Zoning Map Amendment  
Westminster Church at 400 I Street, SW (Square 499, Lot 52)**

Dear Members of the Commission:

On behalf of the Westminster Presbyterian Church, Westminster Community Partners, Bozzuto Development Company, and Bozzuto Homes Inc. (collectively, the "Applicant"), and pursuant to 11-Z DCMR § 401.5, we hereby submit this Supplemental Prehearing Submission in support of Z.C. Case No. 20-12 for a consolidated planned unit development ("PUD") and a related Zoning Map amendment for 400 I Street, SW (Square 499, Lot 52) (the "Site"). The application is now scheduled for a public hearing on October 4, 2021.

The following statement provides information regarding (i) the PUD's compliance with the recently adopted Comprehensive Plan; and (ii) the Applicant's responses to comments raised in the reports of the Office of Planning ("OP") and the District Department of Transportation ("DDOT") (Exhibits 2, 26, 27, 31A, and 42), and the resolution of ANC 6D (Exhibit 28).

### **I. Updated Comprehensive Plan Analysis**

Attached hereto as **Exhibit A** is a detailed analysis as to how the application is not inconsistent with the Comprehensive Plan, as recently adopted by the D.C. Council pursuant to D.C. Law L23-0217 (Comprehensive Plan Amendment Act of 2017) and D.C. Act A24-0110 (Comprehensive Plan Amendment Act of 2020), including the Future Land Use and Generalized Policy Maps.

## II. Agency and ANC Report Responses

### A. Responses to the OP Report

The following chart provides the Applicant’s responses to the specific comments and requests for information from OP in its hearing report.

<u>OP Comment</u>	<u>Applicant’s Response</u>
<p><b><u>Inclusionary Zoning and Affordable Housing.</u></b> OP remains concerned about the absence of IZ or affordable units in the western tower and continues to ask the applicant to provide IZ or affordable units in the western tower or demonstrate why that is not feasible even though the project would be exempt from IZ because of tax exempt bonds and/or LIHTCs for the eastern tower’s affordable senior units. <i>See</i> OP Report at pp. 2, 5, 10, 13, 19 and 29.</p> <p>OP’s Supplemental Report also noted that</p> <ul style="list-style-type: none"> <li>• The project should provide all of the square footage required by 11-C DCMR § 1003 (i.e. 15,836 square feet) as IZ units after the first 40 years of the project; and</li> <li>• The IZ units should be distributed between the East and West Towers to comply with 11-C DCMR § 1005.5 restrictions on the over-concentration of IZ units.</li> </ul>	<p>As described in the Applicant’s prior submissions, the Applicant is not proposing to provide affordable units in the market-rate portion of the project known as the “West Tower” in the proposed building. However, the Applicant’s affordable housing proffer is to dedicate 104,640 square feet of residential gross floor area (“GFA”) in the overall single building. This proffer amounts to approximately <u>52.9% of the project’s total residential GFA</u>, provided in 123 affordable housing units.</p> <p>The affordable units in the senior portion of the project known as the “East Tower” will remain affordable at up to 60% of the Median Family Income (“MFI”) for the first 40 years of the project, after which a minimum of 8% of the residential GFA and 8% of the penthouse square footage <u>of the overall project</u> (no less than 15,836 square feet of GFA) will be converted to IZ units at 50% and 60% of the MFI, as shown on the updated Sheets A-0.1C and D of the architectural drawings attached hereto as <b><u>Exhibit B</u></b>.</p> <p>The Applicant continues to propose that the IZ units remaining in the project after year 40 will be located solely within the East Tower, and requested flexibility from 11-C DCMR § 1005.5 in its initial application filing (Exhibit 3) in order to allow for this to occur.</p> <p>Taken together, the Applicant is providing <u>significantly</u> more affordable housing than would otherwise be required for the project for the first 40 years, after which it will continue to meet the IZ requirements.</p> <p>The market rate component of the project in the West Tower subsidizes the Applicant’s ability to dedicate the entire East Tower as affordable, as well as its ability to construct the new church facilities. Accordingly, constructing such a significant number of new affordable units in the East Tower would not be possible without development of the West Tower separately.</p> <p>The Commission has previously approved projects that separate market-rate and affordable housing into separate towers within a single building. <i>See, e.g.</i> Z.C. Case No. 14-08, which provided approximately 30% of</p>

	<p>the project as affordable housing (8% required), all of which was located in “Wing A” and which was financed with Low Income Housing Tax Credits. In that case, the 30% affordable housing was also being proposed for a period of 40 years, after which the standard 8% applicable to IZ would remain affordable. Accordingly, the Commission found that the “new, high quality, affordable housing supply will benefit the immediate area, the District as a whole, and is consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor’s housing initiative” and that providing 30% affordable housing at 50% and 60% of the MFI “substantially exceeds the amount of affordable housing that would be developed on the PUD Site as a matter-of-right development, and at a significantly deeper subsidy level.” <i>See</i> Z.C. Order No. 14-08, Finding of Fact Nos. 54 and 58. <i>See also</i> Z.C. Order Nos. 13-14(6) and 13-14(B), which also approved a single building with a market-rate “wing” and a senior-affordable “wing,” which had separate entrances and lobbies.</p> <p>Moreover, providing the separate market-rate and senior affordable towers is not inconsistent with the Comprehensive Plan’s Policies AW-2.5.4 and AW-2.5.11, as referenced by OP. These policies require that the Southwest remain equitable and inclusive by supporting the development of affordable housing with a range of housing types to support older adults (among other specific demographic groups), and providing a greater number of affordable housing units than required by IZ.</p> <p>Financing for affordable senior housing includes a variety of specific requirements related to maintaining the quality of life for seniors under the Fair Housing Act. The Applicant’s proposal to provide a senior affordable tower in the PUD achieves the goal of providing affordable housing for older adults and a greater number of affordable units than otherwise required. It also permits residents of the Southwest neighborhood to age in place without being priced out of the area. Thus, in order to maximize the amount of senior and affordable housing in the project, the Applicant will utilize specific funding sources that require the senior housing to be provided within its own portion of the building.</p>
<p><b>LEED.</b> Increase the LEED proffer such that the project will achieve a LEED Gold v4 level.</p>	<p>The West Tower will be certified at the LEEDv4 Silver level and the East Tower will be certified under Enterprise Green Communities, which is the standard certification for affordable projects given the requirements associated with their funding sources.</p> <p>For the West Tower, the Applicant is pursuing LEED Silver utilizing LEED v4, which is effectively</p>

	<p>equivalent to LEED Gold under LEED 2009, which was the applicable LEED certification version until recently.</p> <p>There are practical program, design, and cost challenges associated with the West Tower achieving the LEEDv4 Gold level. The additional credits needed to go from Silver to Gold are noted below. These credits are still far from standard practice, making availability, cost, design and construction expertise, and ongoing maintenance true hurdles:</p> <ul style="list-style-type: none"> <li>• Energy Performance: The threshold/requirements for points here has notably increased;</li> <li>• Enhanced Commissioning: This was typically not a credit pursued in the past given it is quite onerous and costly;</li> <li>• Materials Credits (Building Life-Cycle Impact Reduction, Environmental Product Declarations, Sourcing of Raw Materials, Material Ingredients): This category was revamped and the credits are much more difficult to achieve. For this category in particular, there are practical product availability and reporting issues that the industry is still catching up on, making the ability to source building products both difficult and extremely costly; and</li> <li>• Indoor Air Quality: Enhanced indoor air quality, assessment testing, and advanced thermal comfort control credits have not typically been pursued in the past due to significant added cost. This is especially true for residential projects. Further, the energy conservation and indoor air goals have an inherent conflict in working to balance towards climate control and fresh air, so the further a project advances in one category, the harder it is to achieve the other, thus compounding the difficulty in achieving either.</li> </ul>
<p><b>Solar Panels.</b> Provide additional information about the stated infeasibility of installing solar panels, including the provision of an additional solar study and a discussion of consultations with DOEE. Provide a shading study assessing feasibility, and consult further with DOEE.</p>	<p>The Applicant has explored the feasibility of adding solar panels, but cannot do so for the following reasons:</p> <ul style="list-style-type: none"> <li>• The upper roof levels lack adequate space due to the space required for the rooftop mechanical units;</li> <li>• Sun path studies demonstrate that the low roof will be in shade most of the time throughout the year (<i>see</i> pp. A-10.0 and A-10.1 of the architectural drawings at Exhibit 23A); and</li> <li>• The relatively small areas of green roof would allow for the installation of solar panels, but the DOEE requirements for installation/clearance of solar above green roof would result in a very small</li> </ul>

	<p>number of panels, which would generate less than 2% of the building’s energy consumption. Moreover, providing solar over green roof comes at a cost premium compared to traditional solar panels. Thus, although technically feasible, given the negligible impact and substantial cost implications for a project that is 52.9% affordable, the Applicant does not propose to add more solar to the project.</p>
<p><b>Impacts on Trees.</b> Provide an arborist’s assessment of potential construction impacts on trees adjacent to the applicant’s southern property line and should specify the amount and recipient of the potential contribution.</p>	<p>The land directly adjacent to the subject property is owned by the District through the Department of General Services (“DGS”) and the Applicant does not propose any improvements to this space. Nonetheless, the Applicant has coordinated with relevant District agencies and other groups in the community who have been considering options for this space to ensure that the PUD can help support an active gathering place and does not preclude any future community use.</p> <p>With respect to impacts on existing trees on the DGS land specifically, the Applicant has met with an arborist within DDOT’s Urban Forestry Division (“UFD”), which administers the removal and/or preservation of Special and Heritage Trees. The arborist indicated that there are multiple Special-sized trees and one Heritage tree on the DGS property adjacent to the project site. As set forth in Exhibit 41, the Applicant met with DGS and DDOT on May 6, 2021, to discuss the preservation and relocation of the existing heritage tree on the adjacent DGS property, and based on that discussion the Applicant commits to contracting with a professional arborist during the pre-development process. In accordance with DDOT arborist guidelines, the arborist will work with DGS and DDOT to analyze and create an action plan which preserves and relocates the existing heritage tree. This action plan will be agreed to and completed prior to issuance of a building permit for the subject PUD.</p> <p>In addition, DDOT submitted a supplemental report dated June 7, 2021 (Exhibit 42), which confirmed that UFD and the Applicant met to discuss the preservation of the existing trees on the DGS property, and that the Applicant had agreed to hire an arborist during the pre-development process. The supplemental report stated that DDOT had not yet determined whether changes to the building design would be necessary to preserve any existing trees, but was committed to working with DGS and the hired arborist to create an appropriate preservation plan prior to site redevelopment. Accordingly, the DDOT report reconfirmed its support for the project with the following condition, with which the Applicant agrees:</p>

	<ul style="list-style-type: none"> <li>• Prior to issuance of a building permit for the project, the Applicant will submit, receive approval from UFD, and implement a tree preservation plan for the Heritage Tree on the adjacent DGS site and other on-site or adjacent non-hazardous Special Trees and street trees, as determined appropriate by Urban Forestry Division.</li> </ul> <p>See Exhibit 42, p. 2.</p> <p>Furthermore, as shown in the letter from the Southwest Business Improvement District (“BID”), dated April 9, 2021 (Exhibit 32), the BID supports the proposed project, including how it relates to the adjacent District-owned property. As stated in Exhibit 32, the letter references the BID’s work to develop a new vision for a “Town Center Park” to be built on DC-owned property adjacent to the PUD Site, and specifically states that the “proposed PUD complements, and does not detract from, the Town Center Park conceptual improvements.”</p> <p>Accordingly, although the land adjacent to the subject property is not owned by the Applicant and is not part of the PUD, the Applicant is working with the relevant agencies and reviewers and will continue to work with them to either remove or protect the trees, as determined during the permitting process as the project moves forward.</p>
<p><b>Laundry Facilities.</b> Provide additional information about the single proposed laundry room and its layout (Exhibit 21 A1, Sheet A-1.4) and further explain why providing individual washer/drying units or communal facilities on additional floor is infeasible.</p> <p>Consider the provision of additional laundry facilities within units or to expand the number of communal laundry facilities.</p>	<p>The Applicant does not propose any expansion or change to the laundry facilities proposed for the East Tower. The proposed laundry room is located on the third floor of the East Tower and will be open to all residents of the East Tower. The proposed size and number of washers/dryers within the laundry room is fully consistent with other recently constructed and currently existing senior buildings in the District (e.g. Fortitude at Delta Towers, located at 808 Bladensburg Road, NE (179 units) and Todd A. Lee Senior Residences At Kennedy Street, located at 809 Kennedy Street, NW (38 units)). Providing a single, centrally-located laundry room within a multiple-dwelling senior development project has proved successful in other cases, given the frequency of use by residents. Providing additional laundry room(s) would also result in the loss of affordable units.</p> <p>In addition, the unit sizes in the East Tower have already been reduced to accommodate balconies. Adding an in-unit washer/dryer would further reduce the unit square footage, taking away additional livable space for residents. Finally, providing in-unit laundry units would result in higher water and electricity costs, whereas</p>

	<p>providing a centralized laundry room will reduce utility costs.</p>
<p><b>Public Space Improvements.</b> Distinguish between public space improvements that would be required in a matter-of-right project and those that are additional, either because of DDOT requests or because the items are proffers (Exhibit 21 A6, Sheet L001).</p>	<p>In addition to significantly upgrading the public space surrounding the project to DDOT standards, the Applicant is also making the following additional improvements that are being proffered beyond the minimum standards:</p> <ul style="list-style-type: none"> <li>• Expanding the width of the sidewalk on Makemie Place from 10.1 feet (existing) to 15.8 feet (proposed);</li> <li>• Providing bulb outs at the corner of Makemie Place and I Street and mid-block on Makemie Place to create shorter walking distances for pedestrians crossing Makemie Place; and</li> <li>• Replacing two of the older street trees on I Street, which are in declining condition as confirmed by UFD’s arborist, with three new trees, thus resulting in a net total increase in one new street tree.</li> </ul>
<p><b>Quality of Design and Materials.</b> Further explain how quality of design and materials is superior to what would be provided if project not developed as a PUD.</p>	<p>The design and materials proposed for the project extends the modernist architectural design legacy of the Southwest neighborhood. Thoughtfully designed materials and colors throughout the exterior façade, harmonious proportions, and appropriate rhythm come together to create a distinct project that is superior to what would have been provided as a matter-of-right. The channel glass embellishment is a specific, unique feature within the Southwest and adds beauty and further identity to the neighborhood.</p> <p>The overall project has a mix of terracotta, masonry, fiber cement panels, and channel glass on the exterior facades of the building, all of which are quality materials and far superior alternate materials typically used on affordable and multi-family projects. The design and materials specified are equal or superior to the adjacent buildings in the immediate area, including the Waterfront Station PUD located directly to the south of the PUD. The design refrains from using colors that are already present in the surrounding buildings – instead, opting for colors that are more timeless and complementary of the vibrant neighborhood, while establishing a unique identify for the project and the various uses within.</p>
<p><b>Material Color.</b> Consider providing a warmer tone to the Fiber Cement Pearl White panels (Exhibit 21 A4, Sheet A-4.0A Material 2B; Sheets A-4.1 and A-4.2) in these areas to better tie in with the colors of the western tower and existing buildings on 4th Street.</p>	<p>The intent behind the proposed design is to simultaneously harmonize the ground floor church facilities and the two residential towers above, while allowing each component to project its own unique identity. Westminster Church is the core of the project, which resulted in a strong masonry base as a foundation.</p>

<p>Reconsider the dark color of the western wall of the open court (eastern wall of western tower – Exhibit 21 A4, Sheet A-4.6) and its impact on the view from and reflectivity of light to the eastern tower.</p>	<p>The Applicant undertook numerous color and material studies, after which it decided to expand on this – allowing the colors of the masonry base to spread to the two residential towers’ terracotta and fiber cement colors. The off-white fiber cement panel allows the masonry base at the church to ground the building, while using minimal colors and components to create a lighter tower above. The proposed design complements the colors of the neighborhood buildings; providing a warmer color palette for the senior tower would take away from the contrast between the two towers and the surrounding buildings.</p> <p>The dark gray fiber cement panels between the two towers are used to mute the secondary elements from the street (such as the stair tower) thus allowing the primary facades and elements to be the main focus. The window patterns and colors continue from the street facades on to the courtyard side of the towers, creating harmonious facades that are respectful to the residents of the adjacent buildings. The gray fiber cement panels will also absorb light, thus eliminating glare issues.</p>
<p><b>Unit Layout.</b> Provide a diagram clarifying the practical functioning of the irregular layout and window placement of the A-3 tier units in the eastern tower (Exhibit 21 A1, Sheets A-0.1 C and D). The diagram should show possible typical layout of furniture in and light available to these units.</p>	<p>Attached as <b>Exhibit C</b> is a floor plan showing the typical layout and window placement for the A-3 tier units in the East Tower. The amount of glazing complies with Section 1205.2 of the Building Code regarding the placement and minimum net glazed area required for a unit of this size.</p>
<p><b>Lighting at Church Entrance.</b> Clarify if the use of channel glass between the first and second floors at the church entrance would be back-lit.</p>	<p>The channel glass between the first and second floors at the church entrance will be back-lit. <i>See, e.g.</i> Sheet A-2.1 of the architectural drawings at Exhibit 23A.</p>
<p><b>Lighting of the Cross.</b> Clarify the back lighting of all parts of the cross on the I Street façade of the eastern tower.</p>	<p>The entirety of the cross on the I Street façade of the East Tower will be softly back-lit. <i>See, e.g.</i> Sheet A-2.1 of the architectural drawings at Exhibit 23A. The back lighting will be a soft glow ranging from 5-10 foot candles. The lighting will be controlled and dimmed from inside the building, and the channel glass is designed to diffuse the light sources.</p>
<p><b>Digital Signage.</b> Include a prohibition on interior digital signage that would be visible from outside of the building.</p>	<p>There is no present plan to have any interior digital signage; however, if proposed, the project will comply with all applicable signage regulations as they relate to interior digital signage.</p>
<p><b>West Tower Balconies.</b> Consider providing some private outdoor space for western tower units.</p>	<p>The Applicant studied a variety of options for adding balconies to the West Tower, but ultimately found that the most impactful opportunity was to maximize balconies on the East Tower instead. On the West Tower, there would have been three options for adding balconies:</p>



	<ul style="list-style-type: none"> <li>• Projecting balconies farther away from the building. However, the Applicant has already maximized the allowed projections into public space;</li> <li>• Swapping living space for balcony space. However, the units are already efficiently designed and doing so would compromise the living/kitchen areas such that it would not provide a quality living arrangement; or</li> <li>• Shifting the entire West Tower to the east. However, the Applicant could not make this shift without simultaneously reducing the space currently dedicated to affordable housing and the church in the East Tower. In particular, the ground floor is extremely tight given that it supports all three uses and all access and loading facilities.</li> </ul> <p>Although the West Tower does not have balconies, the windows are operable and the residents will have access to the both the outdoor roof terrace and the adjacent Duck Pond park space.</p>
<p><b>Garage Door.</b> Consider redesigning the vehicular garage door to be similar to what is shown for the loading area (Exhibit 21 A4, Sheet A-5.6) and commit to keeping both doors closed when not in use.</p>	<p>The Applicant has already redesigned the vehicular garage door to match the loading door. The Applicant agrees to keeping both doors closed when not in use.</p>
<p><b><u>OP Comments on Design Flexibility</u></b> OP Comment shown in <b><u>underlined bold</u></b></p>	<p><b><u>Applicant's Response</u></b></p>
<p>To provide a range in the number of residential units to plus or minus 10% in the Residential Tower and plus or minus 10% in the Senior Tower, <b><u>provided the square footage reserved for IZ is not reduced.</u></b></p>	<p>The Applicant agrees with the additional language.</p>
<p>To vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, and to vary the layout and exact size of the Church facilities, provided that the variations do not materially change the exterior configuration of the building, and to vary the layout and exact square footage of the Church, <b><u>provided the square footage reserved for the Church does not decrease by more than 10%.</u></b></p>	<p>The Applicant agrees with the additional language.</p>
<p>To make refinements to the garage configuration, including the layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations, <b><u>provided the Applicant, in consultation with DDOT, stipulates a maximum number for any increase in parking spaces.</u></b></p>	<p>The Applicant agrees with the additional language. The upper limit would be plus or minus 10% of the total number of proposed parking spaces (i.e. plus or minus six spaces, with an upper limit of 66 spaces and a lower limit of 54 spaces).</p>

<p>To vary the color, font, and message of the proposed signage, provided that the maximum overall dimensions and signage materials are generally consistent with those shown on the approved Plans, <b><u>provided there is no significant change in the proposed location of the signage and no signage is located above the second floor.</u></b></p>	<p>The Applicant agrees with the additional language.</p>
<p>To vary the number and mix of affordable units if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the affordable units will substantially conform to the layout shown on the approved Plans, <b><u>provided the number, square footage and mix of units reserved for Inclusionary Zoning are not decreased.</u></b></p>	<p>The Applicant agrees with the additional language.</p>
<p>To vary the approved sustainable features of the Project, including the final layout of the landscape elements, provided the total number of LEED and/or Enterprise Green Communities points achievable for the Project does not decrease below the minimum required for the LEED and/or Enterprise Green Communities standards specified by the order.</p> <p><b><u>OP strongly encourages the applicant to work with DOEE to increase the LEED level for the western tower and the sustainability of the overall project.</u></b></p>	<p>As stated above, the West Tower will achieve LEED Silver certification under LEED v4 standards.</p>

**B. Responses to the DDOT Report**

The following chart provides the Applicant’s responses to the conditions stated in the DDOT report:

<b><u>DDOT Comment</u></b>	<b><u>Applicant’s Response</u></b>
<p><b><u>Transportation Demand Management Plan.</u></b> The Applicant will implement the Transportation Demand Management (TDM) Plan as proposed by the Applicant in the February 26, 2021 Transportation Statement (Exhibit 21), for the life of the Project, unless otherwise noted, with the following minor revisions requested by DDOT:</p> <ul style="list-style-type: none"> <li>• Note the two (2) proposed electric vehicle charging stations will be provided; and</li> <li>• Clarify the bulb-outs on Makemie Place SW are subject to DDOT approval.</li> </ul>	<p>The Applicant agrees to implement the proposed TDM plan for the life of the project, unless otherwise noted, with the two additions requested by DDOT.</p>

<p><b><u>Loading Management Plan</u></b>. The Applicant will implement the Loading Management Plan (LMP) as proposed by the Applicant in the February 26, 2021 Transportation Statement (Exhibit 21), for the life of the project, unless otherwise noted.</p>	<p>The Applicant agrees to implement the proposed Loading Management Plan for the life of the project, unless otherwise noted.</p>
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**C. ANC Engagement and Responses to ANC 6D Resolution**

At the initial public hearing of April 12, 2021, the Commission instructed the Applicant to continue to engage with ANC 6D prior to the continued public hearing scheduled for June 14, 2021. Consistent with this direction, the Applicant immediately reached out to all of the ANC 6D commissioners via email on April 13, 2021 (the day after the public hearing), which email included written responses to the ANC’s outstanding concerns, and requested a time for further discussion with the ANC. *See Exhibit D, p. 1.* On April 27, 2021, the Applicant followed up with the ANC 6D commissioners after receiving no response to its April 13, 2021 email. *See Exhibit D, p. 2.* On May 3, 2021, the Applicant reached out directly to ANC Commissioner Bossi, the Single Member District representative for the site, via the Commissioner’s personal email address, in hopes to receive a response. *See Exhibit D, pp. 3-4.* Finally, on May 19, 2021, Pastor Ruth Hamilton of the Westminster Church reached out to all of the ANC 6D commissioners to personally request a meeting. *See Exhibit D, p. 5.* To date, no one on the Applicant’s development team, including Pastor Ruth, has received any form of response from the ANC.

Despite being unsuccessful at reaching the ANC despite multiple attempts, the Applicant believes that it has adequately addressed the concerns raised by the ANC. Accordingly, the following chart provides the Applicant’s responses to the specific comments and concerns raised by ANC 6D in its resolution dated April 5, 2021:

<b><u>ANC Comment</u></b>	<b><u>Applicant’s Response</u></b>
<p>Bozzuto, a partner in the proposed PUD, is also one of the developers to rebuild Greenleaf Public Housing, and references have been made to suggest that the Westminster senior affordable units would be counted towards the build-first one-for-one replacement of the Greenleaf senior housing as part of its redevelopment. Accordingly, the Applicant should confirm that a total of 123 net new affordable senior housing units will be provided at the PUD site, and that it is not “double dipping” with the replacement units from Greenleaf.</p>	<p>The Applicant herein confirms that there will be 123 new affordable senior housing units provided within the East Tower of the PUD, and that these units will <u>not</u> be related or tied to the Greenleaf redevelopment as designated replacement units.</p>
<p>The affordability component of the project should remain in place for the life of the project, and not only until the financing package expires.</p>	<p>See Applicant’s response to OP’s comments above.</p> <p>The Applicant’s affordable housing proffer is to dedicate 104,640 square feet of residential gross floor area (“GFA”) in the overall single building. This proffer amounts to approximately <u>52.9% of the project’s total residential GFA</u>, provided in 123 affordable housing units.</p>

	<p>The affordable units in the senior portion of the project known as the “East Tower” will remain affordable at up to 60% of the Median Family Income (“MFI”) for the first 40 years of the project, after which a minimum of 8% of the residential GFA and 8% of the penthouse square footage <u>of the overall project</u> (no less than 15,836 square feet of GFA) will be converted to IZ units at 50% and 60% of the MFI, as shown on the updated Sheets A-0.1C and D of the architectural drawings attached hereto as <b>Exhibit B</b>.</p> <p>Taken together, the Applicant is providing <u>significantly</u> more affordable housing than would otherwise be required for the project for the first 40 years, after which it will continue to meet the IZ requirements.</p> <p>Moreover, the Applicant has previously stated that it will provide units at <u>up to</u> 60% of the MFI, such that should financing allow for it, the Applicant may be able to accommodate households that earn less than the 60% MFI maximum.</p>
<p>The Applicant should reconsider the project’s relation to I Street in the location where DDOT is planning to install a protected bike lane. The ANC objects to new development where residents, including seniors, have the potential to be injured by passing cyclists.</p>	<p>The use and distribution of public space is subject to the jurisdiction of the Public Space Committee. Nonetheless, the Applicant has discussed this concern with DDOT multiple times and DDOT has indicated that there are a variety of mitigation measures that can be incorporated into DDOT’s final design of DDOT’s proposed protected bike lane to ensure that cyclists slow down as they pass the project site. For example, DDOT has stated that they could install signage, striping, rumble strips, and/or change the level of the bike lane in this location. <i>See</i> images of these facilities, provided by DDOT, attached at <b>Exhibit E</b>. Accordingly, as acknowledged by DDOT in their report (Exhibit 27, pp. 2 and 3) the Applicant will continue to work with DDOT during the public space permitting process to ensure that the bike lane includes sufficient safety measures to protect project residents and other pedestrians from passing cyclists.</p>
<p>The Applicant should add balconies to the West Tower, especially on its western face.</p>	<p>The Applicant studied a variety of options for adding balconies to the West Tower, but ultimately found that the most impactful opportunity was to maximize balconies on the East Tower instead. On the West Tower, there would have been three options for adding balconies:</p> <ul style="list-style-type: none"> <li>• Projecting balconies farther away from the building. However, the Applicant has already maximized the allowed projections into public space;</li> <li>• Swapping living space for balcony space. However, the units are already efficiently designed and doing so would compromise the living/kitchen areas such</li> </ul>

	<p>that it would not provide a quality living arrangement; or</p> <ul style="list-style-type: none"> <li>• Shifting the entire West Tower to the east. However, the Applicant could not make this shift without simultaneously reducing the space currently dedicated to affordable housing and the church in the East Tower. In particular, the ground floor is extremely tight given that it supports all three uses and all access and loading facilities.</li> </ul> <p>Although the West Tower does not have balconies, the windows are operable and the residents will have access to the both the outdoor roof terrace and the adjacent Duck Pond park space.</p>
<p>The Applicant should incorporate universal design principles for the layout of the senior units to ensure that they address the needs of residents as they age. The Applicant should also clarify whether laundry facilities will be in-unit or located in a single laundry room.</p>	<p>The senior-only component of the project will be age restricted for independent seniors 55 years and older. The proposed design will create an independent living community that will specifically address seniors needs as they age in place, incorporating energy efficient and accessibility features into the units and common areas.</p> <p>As an experienced developer with multiple completed senior projects in the District of Columbia, Dantes Partners, and the development team will create unit configurations and fixtures that are consistent with their communities developed throughout the District. In addition, the proposed unit mix is consistent with the anticipated demand for independent senior housing at this location, as opposed to senior assisted living which generally requires larger unit sizes and additional services.</p> <p>All units will be designed to support independent senior living and will meet Fair Housing, Enterprise Green Communities, and local accessibility guidelines. As the project advances into design and permitting, the proposed design will be refined to incorporate all elements and features necessary to maximize comfortability and livability of the senior residents. Provisions for future accommodations, such as blocking for grab bars in bathrooms, will also be incorporated to allow an additional level of flexibility as seniors age in place.</p> <p><i>See Applicant's response to OP's comments regarding laundry facilities above.</i></p>
<p>The Applicant should provide more information regarding the lighting of the cross on the I Street façade of the East Tower.</p>	<p><i>See Applicant's response to OP's comments above.</i></p>


The Applicant should provide an arborist's assessment of the building's impact on the plantings and trees located on the "linear park" to the south of the project	See Applicant's response to OP's comments above.
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In addition, a question was raised as to the Applicant's proffer regarding employment agreements. The Applicant hereby confirms that it will (i) enter into a First Source Employment Agreement consistent with the First Source Employment Agreement Act of 1984, a copy of which is attached as **Exhibit F**, for the entire building (i.e. both towers); and (ii) a Certified Business Employment agreement for the East Tower.

The Applicant appreciates the Commission's continued review of this project and looks forward to making a full presentation at the October 4, 2021, virtual public hearing on this application.

Sincerely,

HOLLAND & KNIGHT LLP

By:   
Kyrus L. Freeman  
Jessica R. Bloomfield

Enclosures

- cc: Certificate of Service
- Joel Lawson, D.C. Office of Planning (with enclosures via email)
- Steve Cochran, D.C. Office of Planning (with enclosures via email)
- Aaron Zimmerman, DDOT (with enclosure via email)
- Commissioner Andrew Bossi, ANC 6D01 (with enclosures via email at [6d01@anc.dc.gov](mailto:6d01@anc.dc.gov))

**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 2021, a copy of the foregoing Supplemental Prehearing Submission was served on the following via email:

Ms. Jennifer Steingasser  
D.C. Office of Planning  
[jennifer.steingasser@dc.gov](mailto:jennifer.steingasser@dc.gov)

Advisory Neighborhood Commission 6D  
[6d@anc.dc.gov](mailto:6d@anc.dc.gov)



Jessica R. Bloomfield  
Holland & Knight LLP