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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. 21-26
Applicant's Post-Hearing Submission**

Chairperson Hood and Honorable Members of the Commission:

On behalf of the Applicant NRP Properties, LLC's (the "Applicant"), please consider this post-hearing submission addressing the Commission's comments from the public hearing on July 18, 2022. As set forth in the record and discussed during the hearing, the Applicant is proposing to construct a new mixed-use development with 115 all-affordable dwelling units (the "Project") at 301 Florida Avenue NE (the "Property").

I. Revised Architectural Plans

The Commission requested revisions and clarifications to the architectural plan set for the Project. The Applicant has enclosed revised architectural sheets (the "Revised Plans") at **Tab A**¹ to address the Commissions' comments, as follows:

- Rooftop Screening – The rooftop screening has been revised so that all mechanical equipment and the elevator overrun are within one, continuous enclosure. *See* Sheets A.08, A.16A, A.16B, A.16C, A.16D, A.21.
- Ground level design (corner of 3rd Street and N Street) – To enliven the ground-level facade at the southwest corner of the building, the Applicant has added ten wall sconces with up and down lighting as well as six decorative planters. This addition matches the building's window patterns and provides interest to the previously flat facade. The planters will provide depth and color and will visually extend the sidewalk planting in public space. These features will be present on both the 3rd Street facade and N Street facade. It is important to note that a full landscaping area continues to be planned in front of the 3rd Street and N Street facades. This landscaping is envisioned to have vertical elements (such as shrubs and flowering bushes) to conceal the underground transformer vault located in

¹ The Applicant has enclosed only those plan sheets that have been revised as a supplement to the architectural plan set in the record at Exhibit 22A1-22A8.

public space and enliven the ground-level façade. These landscape elements are not shown in the building elevations (as elevations capture only those elements that are immediately a part of the building) but instead are shown in the site plan, first floor plan and relevant renderings. *See* Sheets A.11, A.22, A.23, A.51, A.52, A.66, A.71.

- E-Bike Storage – The Revised Plans show additional electrical outlets installed at 6-foot intervals throughout the bicycle storage room to accommodate a potential growing need for e-bike and scooter storage. *See* Sheet A.11.
- Balconies –The Revised Plans expand the exterior balconies on 24 units to provide more outdoor space for residents. Previously, the balconies were 20 square feet but are now more than 50 percent larger (or, 32 square feet). The exterior balconies are located on 3 units per floor from floors 4-11. All other units in the Project continue to have “Juliet” balconies. *See* Sheet A.15, A.61.
- The Commission inquired about expanded community roof amenity space. The Applicant studied this option but found that roof amenity space was not reasonable because it would result in a reduction of affordable units or require a substantial re-design that is not viable given the timing.
- Green Roof Access – A door has been added on the penthouse level that will provide access to the green roof for maintenance purposes. *See* Sheet A.16, A.16A, A.16B.
- Exhaust Venting – Detailing and examples of the proposed recessed exhaust venting show how the vents will blend into the façade. *See* Sheet A.65.

II. Affordability Clarification

The Commission requested clarification on the Project’s affordability levels and, specifically, what is meant by the language “at or below” 30% Area Median Income (“AMI”) and 50% AMI. Within the 115-unit Project, 57 units will have rents that are considered affordable to households at 50% of AMI, whereas 58 units will have rents that are considered affordable to households at 30% of AMI.

For both groups of units, households below the relevant “benchmark” affordability level can still rent the apartments. Units with rents affordable to households at 30% of AMI are very often paired with a rental subsidy, such as the Local Rent Supplement Program from the DC Housing Authority. This rental subsidy helps reach even lower income levels (e.g. households at or below 20% of AMI) by paying the difference between the asked-for rent and 30% of the particular household’s actual income.

The “at or below” language is also similar to the Inclusionary Zoning requirements under the Zoning Regulations. Under Subtitle C § 1003.7, “Inclusionary Zoning resulting from the set-asides required by Subtitle C §§ 1003.1 through 1003.4 shall be reserved for households earning **equal to or less than**... (a) Sixty percent (60%) of the MFI for rental units; and (b) Eighty percent (80%) of the MFI for ownership units.” (emphasis added). In practice, this means that individuals or households with incomes up to 50% of AMI will qualify for the units designated “at or below” 50% AMI.

III. RPP Lease Termination Language

The Commission requested the Applicant work with the ANC regarding the proposed Residential Parking Permit (“RPP”) lease termination language. As indicated at the hearing, the Applicant is willing to engage with the ANC and determine if alternative language would be acceptable. As noted in the letter from the D.C. Department of Housing and Community Development (“DHCD”), the Applicant has already obtained a funding commitment from DHCD. (Ex. 31). DHCD states, among other points, that “any condition requiring the owner/management to terminate the tenant’s lease if the tenant is found to have obtained a Residential Parking Permit (RPP) would be contrary to the District’s interests, policy, and the efficacy of our affordable housing efforts. Such a condition may also result in Fair Housing Act (FHA) and Human Rights Act (HRA) violations.” (Ex. 31). As such, the Applicant must defer to DHCD as lender on issues of policy and legality in connection with the RPP lease termination language.

Notwithstanding the above, the Applicant plans on attending the ANC’s September meeting and openly engaging with the commissioners regarding potential solutions.

IV. Proffers and Conditions

The Applicant is enclosing (**Tab B**) draft public benefit proffers and conditions that are specific and enforceable as required under Subtitle X § 308.8 *et seq.* In connection with this filing, the Applicant is also enclosing a Motion to late file the proffers and conditions. *See Tab C.* As required under Subtitle X § 308.8, the final list of proffers and conditions must be filed within seven days of the date on which the Zoning Commission takes proposed action on a PUD application. The Zoning Commission took proposed action on July 18th, which is more than seven days from the date of this filing. Nonetheless, there is sufficient time before the Commission’s meeting to take final action on September 29th for the Applicant to work with the Office of Zoning Legal Division, the Office of Planning and the affected ANCs on the proffers and conditions as required under Subtitle X § 308.8-308.13. Therefore, this late filing will not prejudice any party to this matter.

V. Conclusion

In conclusion, the Applicant believes this submission addresses all remaining issues raised by the Commission or the Office of Planning at the hearing and, therefore, completes the record with evidence in support of the subject application. We thank the Commission for its consideration of this filing and look forward to the Commission’s public meeting on September 29, 2022.

Sincerely,
COZEN O’CONNOR



Meridith Moldenhauer


Eric J. DeBear

Certificate of Service


I HEREBY CERTIFY that on this 22nd day of August, 2022, a copy of the Applicant's Post-Hearing Submission with attachments was served, via email, on the following:

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Meredith Moldenhauer