

Nathan W. Gross
Zoning and Land Use Specialist
Nathan_Gross@aporter.com

Not Engaged in the Practice of Law

202.942.5956
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

February 9, 2006

Carol J. Mitten, Chair
D.C. Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

RE: Zoning Commission Case No. 05-24
Supplemental Information

Dear Ms. Mitten and Members of the Commission:

The Office of Zoning requested that the Applicant provide answers to the following questions. See the responses below.

RECEIVED
D.C. OFFICE OF ZONING
2006 FEB - 9 PM 8:02

1. The January 26, 2006 submission by the Applicant indicates that 33% of the dwellings will be for households having 30 percent of Area Median Income ("AMI"), whereas a condition in the proposed order states that 60 percent is the lowest level reached.

Response: Proposed Condition No. 5 of the order states that 40 percent of the units will be for those earning "60 percent or less of AMI." (Emphasis added.) The 33 percent intended for households having only 30 percent of AMI (per the January 26, 2006 submission) is a target within the goal of 40 percent of units to be for households with incomes less than 60 percent of AMI. However, the latter is not an absolute certainty that the Applicant is willing to commit to in a zoning order. The affordable housing package is quite strong with 40 percent of units devoted to households at 60 percent or less of AMI and an additional 20 percent of dwelling units reserved for households in the 60 percent to 80 percent of AMI range. This means that 60 percent of the units are affordable and 40 percent are market rate -- a good balance.

2. **Project Phasing.** Construction is projected to be completed in two years beginning in the summer of 2006. Construction will begin at the highest elevations near F Street and continue down to the lower elevations at Fitch Street. This completion schedule is consistent with the Applicant's progress to date on the larger Capitol Gateway Estates PUD.

3. **Date for Delivery of the Urban Tree Park.** The designated Urban Tree Park area in the Landscape Plans and the Project Plans will be dedicated open space from the beginning, thereby preserving the stands of trees and steeply-sloped natural area. The upper part of the Tree Park (i.e., the pedestrian way connecting the two tot lots, with associated meadow and sitting area with benches) will be constructed as part of the final phase of development, i.e., in approximately two years. As indicated in the Applicant's January 26, 2006 submission and in

ZONING COMMISSION
District of Columbia

proposed Condition No. 8 of the order, the rejuvenation of the naturalized part of the Park to a self-sustaining condition with more native trees and other vegetation than at present is a long-term task. It is being undertaken in cooperation with the Casey Tree Foundation, the Urban Forestry Administration and the Earth Conservation Corps. The selective removal of vegetation and planting with appropriate trees, under-story trees, shrubs and grasses/ground covers will occur over a period of years, perhaps 10 years.

Sincerely,
ARNOLD & PORTER LLP

A handwritten signature in black ink, appearing to read "Nathan Gross", written in a cursive style.

Nathan W. Gross, AICP