

March 4, 2019

Dear Board Members:

The following clarifications below elaborate on how the proposed development meets the requirements listed in the Zoning Regulations of 2016 for the Special Exceptions requested.

One of the Special Exceptions requested is Subtitle U § 421 New Residential Developments. That Special Exception requires that the following criteria be addressed by applicants:

421.3 The Board of Zoning Adjustment shall refer the application to the Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects.

Site plan included in Architectural Drawings, Exhibit #39, shows the arrangement of buildings and structures, exposure to light and air, and parking spaces. A more detailed site plan has been added to the case records, Exhibit #42, showing approximately 400 sq ft of landscaped area, approximately 950 sq ft of pervious pavers (parking and walkways), and green roof/photovoltaics as an option (if required for GAR compliance). A grading plan is not required, given the fact that the site has no significant change in topography.

421.4 In addition to other filing requirements, the developer shall submit to the Board of Zoning Adjustment with the application a site plan and set of typical floor plans and elevations, grading plan (existing and final), landscaping plan, and plans for all new rights-of-way and easements.

Architectural Drawings, Exhibit#39, show the unit layouts as an integral part of the building floor plans, given the building's small scale. Elevations are also shown. As mentioned above, a more detailed site plan has been provided. On the same sheet is also included a survey of the site as it currently exists. A grading plan is not required, given the fact that the site has no significant change in topography. No easements are anticipated to be required.

The second Special Exception requested is for electing to construct an Inclusionary Zoning development, per Subtitle C § 1001.2 (e).

The total area of the proposed development (included at cellar and penthouse levels) is as follows:

Area Schedule (Gross Building)	
Name	Area
COMMON	110 SF
UNIT 1	839 SF
UNIT 2	823 SF
UNIT 3	402 SF
UNIT 4 - IZ	509 SF
UNIT 5	1007 SF
	3690 SF

The penthouse habitable space is 323 sq ft, the cellar habitable space is 856 sq ft.

Per Subtitle C of the 2016 Zoning Regulations, the following sections apply:

1001 APPLICABILITY

1001.1 Achievable bonus density is the amount of the permitted bonus density that potentially may be utilized within a particular inclusionary development provided in Subtitle C § 1002.

Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to developments meeting the following criteria:

- (a) Any semi-detached, attached, flat, or multiple dwellings development not described in Subtitle C § 1001.2(b) through 1001.2(d) if the owner voluntarily agrees to the requirements of Subtitle C § 1003 and meets all other requirements of this chapter, provided:*

Ours is a multiple dwelling development meeting the conditions above, and the owner voluntarily agrees to the requirements listed.

- 1. The square footage set aside achieves a minimum of one (1) Inclusionary Unit;*

The square footage set aside in the proposed development (Unit 4) is 509 sq ft, and achieves one one-bedroom Inclusionary Unit.

1001.2 Except as provided in Subtitle C §§ 1003.5 through 1003.6, inclusionary units resulting from the set asides required by §§ 1003.1 and 1003.2 shall be reserved for households earning equal to or less than:

- (b) Sixty percent (60%) of the MFI for rental units; and*
- (c) Eighty percent (80%) of the MFI for ownership units.*

Building is comprised of ownership units however, per 1003.7, target income level for IZ unit is 50% MFI.

1002 SET-ASIDE REQUIREMENTS

1003.1 *An inclusionary development which does not employ Type I construction as defined by Chapter 6 of the International Building Code as incorporated into District of Columbia Construction Codes (Title 12 DCMR) to construct a majority of dwelling units and which is located in a zone with a by-right height limit of fifty feet (50 ft.) or less shall set aside the greater of ten percent (10%) of the gross floor area dedicated to residential use including penthouse habitable space as described in Subtitle C § 1001.2(d), or seventy-five percent (75%) of its achievable bonus density to inclusionary units plus an area equal to ten percent (10%) of the penthouse habitable space as described in Subtitle C § 1001.2(d).*

The IZ set aside in this development, 509 sq ft, represents more than 10% of the gross floor area dedicated to residential use (3,580 sq ft), and exceeds 75% of the achievable bonus density (418.5 sq ft).

1003.3 *Except as provided in Subtitle C §§ 1003.5 through 1003.6, inclusionary units resulting from the set asides required by §§ 1003.1 and 1003.2 shall be reserved for households earning equal to or less than:*

Sixty percent (60%) of the MFI for rental units; and

Eighty percent (80%) of the MFI for ownership units.

Building is comprised of ownership units, however, per 1003.7, target income level for IZ unit is 50% MFI.

1003.7 *Notwithstanding Subtitle C §§ 1003.3, one hundred percent (100%) of inclusionary units resulting from the set-aside required for penthouse habitable space shall be set aside for eligible households earning equal to or less than fifty percent (50%) of the MFI.*

Single inclusionary unit provided to set aside for 50% MFI households.

1003.9 *An inclusionary development's entire residential floor area including dwelling units located in cellar space or enclosed building projections that extend into public space, shall be included for purposes of calculating the minimum set-aside requirements of Subtitle C §§ 1003.1 and 1003.2.*

The entire residential square footage of the building is included in our calculations.

1003.10 *Increases in FAR as a result of variances granted by the Board of Zoning Adjustment shall be included within gross floor area for the purposes of calculating the maximum IZ requirement.*

The entire residential square footage of the building is included in our calculations.

1005 DEVELOPMENT STANDARDS REGARDING INCLUSIONARY UNITS

1005.1 *The proportion of studio and one-bedroom inclusionary units shall not exceed the proportion of the comparable market rate units for each unit type.*

We are requesting a variance from this requirement, as elaborated upon on the Burden of Proof, Exhibit #38.

1005.2 *All inclusionary units shall be comparable in exterior design, materials, and finishes to the market-rate units.*

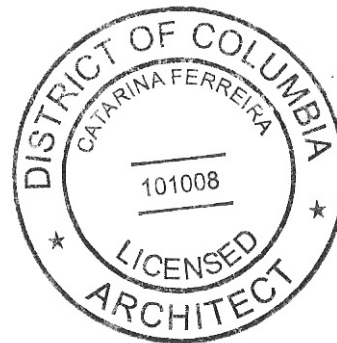
Inclusionary unit will be comparable in design, materials, and finishes to market-rate units.

*1005.3 The interior amenities of inclusionary units, such as finishes and appliances, shall be comparable to the market-rate units but may consist of less expensive materials and equipment, provided the interior amenities are durable, of good quality, and consistent with contemporary standards for new housing.
Inclusionary unit will comparable interior amenities, such as finishes and appliances to market-rate units.*

*1005.4 All inclusionary units in an inclusionary development shall be constructed prior to or concurrently with the construction of market-rate units, except that in a phased development, the inclusionary units shall be constructed at a pace that is proportional to the construction of the market-rate units.
Inclusionary unit will be built concurrently with of market-rate units.*

*SOURCE: Final Rulemaking & Order No. 08-06A published at 63 DCR 2447 (March 4, 2016 – Part 2);
Final Rulemaking & Order No. 04-33G published at 63 DCR 15404 (December 16, 2017, effective June 5, 2017);
Final Rulemaking & Order No. 04-33G1 published at 64 DCR 5436 (June 9, 2017).*

Sincerely,



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