

September 17, 2018

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW
Suite 200S
Washington, DC 20001

Re: Comments on Z.C. Case No. 04-33I

Dear Chairman Hood and Members of the Commission,

Goulston generally finds the modifications proposed in the above-referenced case to be positive clarifications of the existing regulations; however, it provides the following comments on the pending text amendments:

Section 1001.4 – For existing buildings that become subject to the requirements of this chapter pursuant to Subtitle C Section 1001.2, the requirements of Subtitle C Sections 1003.1 and 1003.2 and the available modifications to applicable development standards shall apply:

- (a) To both the existing and the new gross floor area if the new gross floor area:
 - (1) Utilizes bonus density provided by Subtitle C Section 1002; or**
 - (2) Results in an increase of fifty percent (50%) or more in the building's gross floor area; and****
- (b) To only the new gross floor if the new gross floor area:
 - (1) Does not utilize the bonus density provided by Subtitle C Section 1002; and**
 - (2) Does not result in an increase of fifty percent (50%) or more in the building's gross floor area.****

We recommend that language be adopted simultaneously to allow flexibility in how units are distributed between the existing building and the proposed addition. A property owner or developer cannot shift existing tenants to accommodate new IZ units if the existing building is occupied. The new IZ units would have to be introduced as turnover in the existing building occurs, which is not likely to be on the same timeframe as construction of the addition. Accordingly, we propose that the above text is modified to allow units to be concentrated initially in the addition and phased gradually into the existing building. Alternatively, units can be pre-selected as affordable in the existing building and phased as turnover occurs.

Section 1005.7 – Inclusionary Units shall not be located in cellar space.

Anthony Wood, Chairperson
September 17, 2018
Page 2

We strongly encourage the Zoning Commission to reconsider this provision for two primary reasons: 1) market rate units are provided in cellar space and 2) the square footage of the cellar space contributes to the IZ set-aside requirement. Understandably, inclusionary units should not be concentrated in the cellar; however, Section C-1005.5 already protects against the concentration of IZ units on a particular floor. Otherwise, there is no reason to make a distinction between habitable space that is appropriate for affordable units and habitable space that is not. If the area is habitable and contributes to the amount of the IZ set-aside, it should stand to reason that IZ units can also be located in that space as part of a compliant distribution plan.

Subtitle K, Chapters 2 and 9 – The SEFC zones that are subject to a land disposition or other agreement with the District that mandates the provision of affordable housing and the WR zones are exempt from the IZ requirements; however, this is not reflected in Subtitle K, Chapters 2 and 9, respectively.

We greatly appreciate the opportunity to provide comments on these important text amendments and would be happy to provide additional information if helpful.

Sincerely,

A handwritten signature in cursive script that reads "Christine Roddy" followed by a small flourish.

Goulston & Storrs