

December 15, 2016

VIA IZIS

Chairman Hood and Members of the
Commission
D.C. Zoning Commission
441 4th Street NW
Suite 200S
Washington, DC 20001

Re: Zoning Commission Case No. 15-02: Response to OP Report

Dear Chairman Hood and Members of the Commission:

In its report dated December 5, 2016, the Office of Planning asked that the following supplemental information be provided prior to the hearing, which the Applicant hereby submits:

- 1) An updated color and materials board: Attached is a photograph of the materials board to be presented at the hearing this evening.
- 2) Commitment to provide any additional affordable housing that may be required should the Redemptorist building be redeveloped as residential units: Yes, should the Redemptorist building be converted to residential use in the future, it shall comply with all applicable inclusionary zoning regulations including the provision of affordable housing within the building.
- 3) Commitment to record a covenant to memorialize the open space as unbuildable area: The Applicant will record a PUD covenant against the entire Redemptorist property, including the open space, which states that the property may only be developed in accordance with the PUD-approved plans. Should the Redemptorists want to modify the open space in the future, they will have to go through another public review process and return to the Zoning Commission, the ANC, and the Office of Planning in order to modify the covenant. The Applicant has also agreed to file a landmark application for the Redemptorist building, which adds an additional layer of protection, as any work to the exterior of the building must be reviewed and approved by the Historic Preservation Review Board.
- 4) An inventory of trees on the property, indicating which trees would be preserved and which trees would be removed: Attached is the requested tree inventory.

- 5) Commitment to submit a landmark nomination for the Redemptorist building that would be finalized before occupancy of the townhomes: The Applicant has committed to submitting a landmark nomination for the Redemptorist building prior to occupancy of the townhomes. The Applicant cannot commit to finalizing the landmark process prior to occupancy of the townhomes simply because it does not control the timing of the HPRB's calendar. Nevertheless, once a landmark application is filed, the property is treated as a landmark unless and until the HPRB finds otherwise; accordingly, the Property will be treated as a landmark for all intents and purposes once the application is filed.
- 6) Information addressing ZC questions about Play Space: Each home provides an opportunity for passive, outdoor recreation, whether it be on a private deck or a private terrace. In addition to these private spaces, there are pockets of communal outdoor space that can be enjoyed by the residents. The mews between lots 7-12 and 13-17 in particular has been redesigned with seat walls to promote passive activity within the area. In addition to these on-site spaces, both the Edgewood Recreation Center and the Noyes Recreation Center are located less than a half mile away from the site and provide opportunities for active recreation. The Metropolitan Branch Trail also runs along 8th Street one block to the east of the property.
- 7) Information addressing ZC questions about Fair Housing Act standards: The Zoning Commission asked the architects to provide more information regarding the applicability of the Fair Housing Code to the project. Below is Lessard's response to the Commission's request:

Fair Housing is a Law also known as Title VIII of the Civil Rights Act of 1968. This law prohibits the discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, and national origin. In 1988, Congress passed the Fair Housing Amendments Act which expanded the coverage of Title VIII to prohibit discrimination in housing on the basis of disability or familial status. This law made it unlawful to deny the rental or sale of a dwelling unit to a person because the person has a disability. The Amendments also created Fair Housing Accessibility Guidelines to provide usable housing for persons with disabilities.

The Guidelines contain several exceptions to the requirement to provide accessibility to persons with disabilities - one of these exceptions being townhouses without elevators. The Fair Housing Amendment clearly states that "Multistory dwelling units are not covered by the Guidelines except when they are located in the buildings which have one or more elevators, in which case, the primary entry level is covered." (See Dwellings Covered by the Design Requirements located in the Introduction of the Fair Housing Design Manual).

In addition to this clear exemption in the Fair Housing Code there was additional direction given in the “Questions and Answers About the Guidelines” where the question was asked if townhouses were exempt from the Guidelines. The clarification was clearly delineated between Townhouses that were either single story compared to those that were multi-story containing no elevators. See below:

1. **Townhouses**

Q. Are townhouses in non-elevator buildings which have individual exterior entrances required to be accessible?

A. Yes, if they are single-story townhouses. If they are multistory townhouses, accessibility is not required. (See the discussion of townhouses in the preamble to the Guidelines under Section 2--Definitions [Covered Multifamily Dwellings] at 56 FR 9481, March 6, 1991, or 24 CFR Ch. I, Subch. A, App. III.)

Since the townhouses are multi-story in nature and contain no elevators they are exempt from the Fair Housing Guidelines.

- 8) Information addressing the administration of funds proffered for the Department of Parks and Recreation use to purchase equipment for Edgewood Recreation Center:
The Applicant has modified this proffer so that it is no longer providing the contribution to DPR but will instead purchase the equipment and donate it directly to the Edgewood Recreation Center. The Applicant will coordinate with the Edgewood Civic Association to determine the equipment needed.
- 9) Additional Update: The Applicant attaches an updated site plan, which includes the following changes to the Redemptorist building:
- a) The modified site plan reflects the current number of parking spaces provided for the Holy Redeemer building. Previous versions of the site plan inadvertently showed 18 spaces in the Redemptorist parking lot, whereas, there are currently 23 spaces;
 - b) The Redemptorists may require the installation of an elevator for access within its building. It will be located in the interior courtyard of the Redemptorist building, as reflected on the attached plan; and
 - c) The dumpsters serving the Redemptorist building have been relocated to a pad on the southern side of the parking lot.

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We are prepared to testify to each of these items this evening and are happy to answer questions at that time.

Sincerely,


Christine Roddy

Enclosures

cc: Elisa Vitale, Office of Planning
Ryan Westrom, District Department of Transportation
Steve Callcott, Historic Preservation Office
Debbie Steiner, ANC 5E01
ANC 5E