

# Holland & Knight

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November 18, 2021

## **VIA IZIS**

Zoning Commission for the  
District of Columbia  
441 4th Street, N.W., Suite 210S  
Washington, D.C. 20001

**Re: Z.C. Case No. 20-12 - Applicant's Supplemental PostHearing Submission**

Dear Members of the Commission:

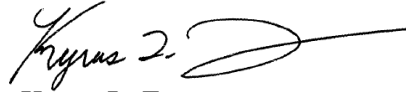
On behalf of the Westminster Presbyterian Church, Westminster Community Partners, Bozzuto Development Company, and Bozzuto Homes Inc. (collectively, the "Applicant"), and as requested by the Zoning Commission at the public meeting held on October 28, 2021, attached as **Exhibit A** is a rendering showing the proposed building at night. As shown on the rendering, the light levels generated by the proposed building, including the light tower, are nominal and will not adversely impact the immediately surrounding uses, such as the vacant DC-owned land to the east of the site or the school to the north of the site. Moreover, the light level generated by the proposed building is consistent with the amount of light generated by other buildings in the vicinity of the proposed building. (See Exhibit 52A, page 12). Therefore, the Applicant does not believe a condition imposing specific hours of operation for the light tower are necessary in this case.

The Zoning Commission also asked the Applicant to: (i) confirm the legal restrictions that would prohibit residents in the East Tower from being displaced after year 40 of the life of the building if the building ownership accepts market rate tenants above the IZ requirement at that point, and (ii) analyze the impact of adding 2-bedroom units in the East Tower. After expiration of the initial 40 year affordability control period, existing residents in the East Tower could not be subject to an immediate rent increase to market rate rent, nor could they be subject to immediate eviction, and are protected by a variety of provisions in the Code of the District of Columbia, including Chapter 32, "Landlord and Tenant" and Chapter 35, "Rental Housing Generally." Moreover, the Applicant has analyzed the potential impact of adding 2-bedroom units in the East Tower and as described in **Exhibit B**, revising the unit count would result in a one-for-one loss of units (i.e. for each 2-bedroom unit added a unit is lost), would require a substantial redesign the East Tower's floor plans and elevations, and thus would have a detrimental impact on the proposed building and the number of new housing units delivered on the site.

The Applicant appreciates the Zoning Commission's continued review of this project and looks forward to the Zoning Commission taking final action on this application at the December 16, 2021 virtual public meeting.

Sincerely,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Kyrus L. Freeman", with a long horizontal flourish extending to the right.

Kyrus L. Freeman

Enclosures

cc: Steve Cochran, D.C. Office of Planning (with enclosures via email)  
Aaron Zimmerman, DDOT (with enclosure via email)  
Advisory Neighborhood Commission 6D (with enclosures via email at [6d@anc.dc.gov](mailto:6d@anc.dc.gov))

# **EXHIBIT A**



NIGHT-TIME VIEW  
CORNER OF 4<sup>TH</sup> AND I STREET

**KGD**  
architecture

WESTMINSTER  
PRESBYTERIAN CHURCH



DC

**DP**  
DANTES PARTNERS

**BOZZUTO**

WESTMINSTER CHURCH LIVING |  
400 I STREET SW, WASHINGTON DC

PUD & ZONING MAP  
AMENDMENT SUPPLEMENTAL  
POSTHEARING SUBMISSION  
NOVEMBER 18, 2021

**A-2.1A**

# **EXHIBIT B**

November 18, 2021

Zoning Commission for the  
District of Columbia  
441 4th Street, N.W., Suite 210S  
Washington, D.C. 20001

**Re: Z.C. Case No. 20-12 - Applicant's Supplemental Post Hearing Submission – Exhibit B**

The senior affordable residential tower currently has 123 units total. Each floor has (11) 1 bedroom units and (4) junior bedroom units. Penthouse level has (2) 1 bedroom units and (2) junior bedroom units.

Typical size of units:

- 1 BR unit is 650-700 SF
- 2 BR unit is 900-1,000 SF

Implications of providing 2BR units -

1. In the current floor plan layout, a 2 BR unit would replace (2) 1 BR units on each floor resulting in a loss of 1 unit per floor. The total unit count for the building will be reduced to 114 with a loss of 9 units.
2. Combining (2) 1 BR units will result in a 1,300-1,400 SF 2 BR unit which is larger than standard 2 BR units resulting in an inefficient plan layout.
3. DC Building Code requires all habitable spaces to have an aggregate glazing area of not less than 8 percent of the floor area of such rooms. Larger SF areas will raise the requirement of glazing areas per unit.
4. DC Building Code also requires atleast one operable emergency escape and rescue opening in each sleeping room. Hence, both bedrooms will need to be on an exterior wall.

Addressing issues 2-4 would require total redesign of the floor plans to provide standard sized 2 BR units. In addition to the net loss of affordable units, these revisions would require redesign of the exterior façade of the East Tower at this late point in the proceeding to ensure each bedroom and living space has glazing as required for emergency escape, daylight and views.

Sincerely,



Iffat Afsana, AIA, LEED AP BD+C

KGD Architecture