

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation
 Stephen Cochran, Project Manager
DATE: April 9, 2021
SUBJECT: Supplemental Report for Zoning Commission Case No. 20-12, Consolidated Planned Unit Development and Related Map Amendment at 400 I Street, SW (Square 499, Lot 52)

This Office of Planning (OP) report is intended to clarify one OP concern and to correct a second point in OP’s April 2, 2021 Hearing Report (Exhibit 26) on this case.

1. Inclusionary Zoning (IZ)

The applicant should clarify how the project will meet IZ requirements after the end of the eastern (affordable) tower’s financing-related control period during which the project would be exempted from IZ (Subtitle C § 1001.6). OP is particularly concerned that at that time:

- The project should provide all of the square footage required by Subtitle C, § 1003 --i.e., ~15,836 SF by the applicant’s calculations (see below); and
- The IZ units should be distributed between the eastern and western towers to comply with Subtitle C § 1005.5 restrictions on the over-concentration of IZ units, unless the residential units in the western tower are ownership units, rather than rental units.

Background

The OP report indicated the applicant would be providing 15,379 square feet of Inclusionary Zoning units at the end of the control period related to financing sources for the eastern (senior affordable) tower. OP based this on the applicant’s calculation in the table on Sheet A-0.1D of the applicant’s (Exhibit 23A1), that is copied below with highlighting by OP.

| | TOTAL RESIDENTIAL (RESI.) GFA | TOTAL PENTHOUSE SF DEVOTED TO RESI. UNITS | TOTAL IZ GFA REQUIRED AT 60% MFI (8% OF RESI. GFA) | TOTAL IZ GFA REQUIRED AT 50% MFI (8% OF PH UNITS) | TOTAL IZ GFA PROVIDED AT 60% MFI (SEE % BELOW) | TOTAL IZ GFA PROVIDED AT 50% MFI (SEE % BELOW) | TOTAL IZ GFA REQUIRED (8% OF RESI. GFA + 8% PH UNITS) | TOTAL IZ GFA PROVIDED (SEE % BELOW) |
|-------------------------|-------------------------------|---|---|--|---|---|--|--|
| RESIDENTIAL TOWER | 90,000 SF | 3,301 SF | 7,200 SF | 265 SF | 0 SF (0% OF RESI GFA) | 0 SF (0% OF PH UNITS) | 7,465 SF | 0 SF (0% OF RESI GFA + PH UNITS) |
| SENIOR AFFORDABLE TOWER | 102,236 SF | 2,404 SF | 8,179 SF | 192 SF | 102,236 SF (100% OF RESI GFA) | 525 SF (21% OF PH UNITS) | 8,371 SF | 102,761 SF (100% OF RESI GFA + 21% OF PH UNITS) |
| TOTAL | 192,236 SF | 5,705 SF | 15,379 SF | 457 SF | 102,236 SF | 525 SF | 15,836 SF | 102,761 SF |

However, the OP report did not note the applicant included a box to the right of the table (see below) stating that after the control period the applicant propose to *only* provide the IZ square footage that would be required for the eastern tower and its penthouse – i.e., 8,756 square feet:

AFTER EXPIRATION OF TAX CREDIT PERIOD,
8,208 SF OF GFA TO BE PROVIDED AT 60% MFI

AFTER EXPIRATION OF TAX CREDIT PERIOD,
548 SF OF GFA TO BE PROVIDED AT 50% MFI

That would be 7,080 square feet less than the applicant’s own calculations indicate would be required. The applicant should demonstrate how they will provide all of the IZ square footage required for both towers.

Additionally, as OP’s report noted, the location diagrams for IZ units (Exhibit 23A1, Sheets A-0.1C and A-0.1D) locates those units in only the eastern tower. This does not comport with IZ requirements and would require relief from the distribution requirements of Subtitle C §1005.5 to place all the IZ units in the Senior tower after the expiration of the tax credit period. OP would not support such relief.

2. Sustainability Levels

OP’s Hearing Report (Exhibit 26, page 19) stated that the Green Buildings Act (GBA) would require LEED Silver v4 certification for the market rate tower. To correct the record, certification is not required by the Green Buildings Act.

After conversations with the Department of Energy and the Environment (DOEE) it is OP’s understanding that a residential project that receives more than 15% public funding is required to meet the GBA. Although the entire project would be one building for zoning purposes, DOEE has not yet determined whether the use of LIHTC or tax-exempt bonds for one tower would trigger the GBA for the entire project. If the GBA applied, the entire project would be required to meet the Enterprise Green Communities standards, which DOEE considers to be the equivalent of the most current version of LEED Silver, which is “v4”.

This clarification does not change OP’s analysis that, while the project would seem to meet District sustainability standards, what is being proposed would not constitute a proffer. OP continues to recommend that the market rate tower meet the equivalent of LEED Gold v4.