



## *Southwest / Navy Yard / Buzzard Point* Advisory Neighborhood Commission 6D

January 26, 2021

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Email: 6d@anc.dc.gov  
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Anthony Hood, Chair  
Zoning Commission of the District of Columbia  
441 4<sup>th</sup> Street NW, Suite 210  
Washington, DC 20001

### **OFFICERS**

Chair  
Edward Daniels  
Vice Chair  
Fredrica Kramer  
Secretary  
Jared Weiss  
Treasurer  
Ronald Collins

### **VIA Email:**

**Re: Applicant's Update on Voluntary (Non-IZ) Affordable Housing Z.C. Case No. 20-14 -Design Review, 5 M Street SW (Square 649, Lots 43, 44, 45, and 48)**

Dear Chairman Hood:

This letter is in response to the Applicant's proposed commitment to provide voluntary, non-Inclusionary Zoning (IZ) affordable housing units within the proposed residential housing project in the above-referenced property.

We are deeply appreciative of the Applicant's offer to memorialize its commitment to the 19 affordable housing units, as specified in detail in the Declaration of Covenant ("Declaration") that will be executed and recorded in the District of Columbia Land Records prior to issuance of the final Order from the Zoning Commission.

We have two concerns around the Applicant's proposed Declaration and additional language proposed for the draft Order.

First, while the Declaration would have the commitment to the affordable units with the land and bind subsequent landowners, the commitment is specified for the "life of the project." We would like further clarification on the meaning of "project." Should the use of this land parcel change from the proposed residential project to some other, does the commitment to these non-IZ housing units convey, or does it hold only if the "project" as currently conceived continues? Section G.4 in the Declaration seems to suggest that the agreement would in fact automatically terminate if "...the Property is not developed with the Project as approved..."

### **COMMISSIONERS**

SMD 1 *Andrew Bossi*  
SMD 2 *Jared Weiss*  
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SMD 6 *Rhonda Hamilton*  
SMD 7 *Edward Daniels*

Second, language in the Applicant's new Conclusion of Law proposed to be added between Conclusion of Law Nos. 16 and 17 in the Applicant's draft Order, may create unnecessary confusions particularly if the Zoning requirements change with respect to affordable housing. We propose striking portions of the proposed new section, to read:

Non-IZ Affordable Units. As part of its engagement with the community and ANC, the Applicant agreed voluntarily to provide 19 Non-IZ Affordable Units and to memorialize this commitment through recordation of a Declaration of Covenant for Non-Inclusionary Zoning Affordable Units in the Land Records of the District of Columbia, which has occurred prior to the issuance of this Order, approving the Application.

The Commission's authority in this case is limited to whether the Applicant has met the design review and special exception tests required by the Zoning Regulations. Because the ANC's request for affordable housing above the minimum required by IZ goes beyond the scope of the Commission's review of this Application, the Commission declines to include the Applicant's commitment as a condition to the Order.

Should you have any questions, please contact me at [6D07@anc.dc.gov](mailto:6D07@anc.dc.gov) or 202-554-1795.

Thank you,

A handwritten signature in black ink, appearing to read 'Edward Daniels', with a long horizontal flourish extending to the right.

Edward Daniels

Chair, ANC 6D

Southwest, Navy Yard, & Buzzard Point