

# Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564  
Holland & Knight LLP | www.hklaw.com

Leila Marie Jackson Batties  
(202) 419-2583  
leila.batties@hklaw.com

March 23, 2016

## *VIA IZIS*

Zoning Commission for the  
District of Columbia  
Office of Zoning  
441 Fourth Street, NW, Suite 210-S  
Washington, DC 20001

**Re: Sursum Corda Cooperative Association, Inc. (ZC Case No. 15-20)  
Request to Open Record for Waiver of Inclusionary Zoning Requirements**

Dear Commission Members:

On behalf of Sursum Corda Cooperative Association, Inc. (the “Applicant”), we respectfully request that the Zoning Commission open the record for the above-referenced case in order to accept an amendment to the application to include the following flexibility:

Waiver of Inclusionary Zoning (“IZ”) Requirements. In lieu of the inclusionary zoning requirements in Chapter 26 of the Zoning Regulations, the PUD will include 199 affordable units for households with incomes not exceeding 80% of the area median income (“AMI”), and with a maximum blended affordability limit for the affordable units within the PUD of 60% of AMI, for the life of the project. Further, the Applicant shall reserve 136 units in the first phase of the PUD for the current households residing at the Property. The rent levels for the reserved units will be in accordance with the U.S. Department of Housing and Urban Development (“HUD”) payment standards, based on a household’s then current income level, as certified by HUD.

The foregoing is consistent with the Applicant’s representations to the Zoning Commission in its pleadings and at the public hearing on the application.

The PUD will provide more affordable housing at steeper affordability levels than what is required under the inclusionary zoning requirements in Chapter 26 of the Zoning Regulations. However, we were recently advised that Department of Housing and Community Development

Zoning Commission for  
The District of Columbia  
March 23, 2016  
Page 2

("DHCD") does not administer units at 30% or 60% of AMI, nor can the agency administer projects with a mix of inclusionary zoning and affordable units. In light of this, a waiver of the inclusionary zoning requirements in Chapter 26 is required for the PUD.

Thank you for your considerate attention to this matter. We remain hopeful of the Zoning Commission's favorable consideration of this request.

Sincerely yours,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

cc: Alan Bergstein, Esq., Office of the Attorney General (via email)  
Jacob D. Ritting, Esq., Office of the Attorney General (via email)  
Ms. Jennifer Steingasser, Office of Planning (w/ enc., via email)  
Mr. Joel Lawson, Office of Planning (w/ enc., via email)  
Ms. Maxine Brown-Roberts, Office of Planning (w/ enc., via email)  
Advisory Neighborhood Commission 6E c/o Commissioner Marge Maceda, Chair  
(w/ enc., via email)  
Commissioner Antonio Barnes, Single Member District Representative, ANC 6E-06  
(w/ enc., via email)