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VIA IZIS & HAND DELIVERY

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

**Re: Applicant's Proposed Proffers and Conditions and Updated Roof Plan
Z.C. Case No. 16-07 – Consolidated PUD and Related Map Amendment @ Square 399**

Dear Members of the Commission:

On behalf of W-G 9th & O, LLC (the “Applicant”), we hereby submit the following documents in response to the Zoning Commission’s vote to take proposed action on the application at its public meeting on November 14, 2016:

1. **Updated Penthouse Plans.** Attached as Exhibit A are updated penthouse plans and sections removing the previously-requested penthouse setback relief and confirming that the penthouse meets the 1:1 setback requirement in all locations.
2. **Updated Affordable Housing Proffer.** In response to the Zoning Commission’s comments, the Applicant has revised its affordable housing proffer and is now proposing to increase IZ square footage provided at 50% of AMI. Specifically, the Applicant is now proposing to provide a total of 6,997 square feet (“sq. ft.”) of gross floor area (“gfa”) devoted to IZ units, with 4,610 sq. ft. of gfa (4 units) dedicated to families earning up to 50% of AMI and 2,387 sq. ft. of gfa (2 units) dedicated to families earning up to 80% of AMI. Regarding the affordable housing proffer, the Applicant notes the following:
 - a. More than half of the IZ units and affordable square footage are provided at 50% of the AMI.
 - b. The four IZ units provided at 50% of the AMI include a one-bedroom unit with 1,101 sq. ft. of gfa; a one-bedroom unit with 1,197 sq. ft. of gfa; a two-bedroom unit with 1,156 sq. ft. of gfa; and a three-bedroom unit with 1,156 sq. ft. of gfa. The two units provided at 80% of AMI include a one-bedroom unit with 1,197 sq. ft. of gfa and a two-bedroom unit with 1,190 sq. ft. of gfa.
 - c. The only three-bedroom unit in the project will be an IZ unit, and this unit has been added to the building to provide another family-sized unit typology. By

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providing larger affordable units, the Applicant is providing an opportunity for low income families to live in the project and have access to the same amenities as the market-rate units.

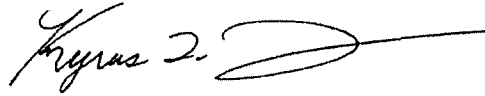
- d. Each of the proposed IZ units are larger than the standard sizes that DHCD uses to base its sales schedule. DHCD's standard average size is 625 sq. ft. of gfa for a 1 bedroom unit; 925 sq. ft. of gfa for a 2 bedroom unit; and 1,050 sq. ft. of gfa for a 3 bedroom unit. The proposed one bedroom units are nearly double the size of DHCD's standard size for one-bedroom IZ units. *See Inclusionary Zoning Affordable Housing Program 2016 Maximum Rent and Purchase Price Schedule.*
- e. All of the IZ units will be for-sale, thus creating larger-sized units for affordable homeownership opportunities.
- f. The current IZ regulations for the C-2-A District require that half of the IZ units (in this case, 2,264 sq. ft. of gfa) must be devoted to households earning up to 50% of the AMI. However, recognizing the financing complexities of condominium projects, the recently approved amendments to the IZ regulations require projects to devote the required IZ units to households earning up to 80% of the MFI. Other than IZ units generated as a result of penthouse habitable space, the amended IZ regulations will only require IZ units to be at 60% of MFI for rental units or 80% of MFI for condominium units. The Zoning Regulations also require that 8% of any habitable penthouse space must be devoted to households earning up to 50% of the AMI (in this case, 386 sq. ft. of gfa).

Therefore, the Applicant believes that its proffer to provide a total of 6,997 sq. ft. of gfa devoted to affordable housing, with 4,610 sq. ft. of gfa set aside for families earning up to 50% of AMI constitutes a significant proffer since the 4,610 square feet at 50% of AMI represents a net increase of 1,960 sq. ft. over what is required by the current IZ regulations at 50% of AMI (i.e., 2,264 (building) + 386 (penthouse)) and represents a net increase of 4,224 sq. ft. over what would be required at 50% of MFI under the recently approved amendments to the IZ regulations (i.e., 386 (penthouse)).

- 3. **PUD Proffers and Conditions**. Attached as Exhibit B is the Applicant's list of proffers and corresponding conditions, filed in compliance with the Zoning Commission's procedures of Subtitle X §§ 308.8 through 308.10.

Thank you for your attention to this matter.

Respectfully Submitted,

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

By: Kyrus L. Freeman
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cc: Joel Lawson, D.C. Office of Planning (w/attachments, via email)
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