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November 2, 2006

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VIA HAND DELIVERY

Carol Mitten, Chairman
D C. Zoning Commission
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Re Zoning Commission Case No 04-33A and the Southeast Federal Center

Dear Madame Chair and Members of the Commission

This letter is written behalf of the General Services Administration ("GSA"), owner of the Southeast Federal Center site ("SEFC") GSA strongly supports the Office of Planning's recommendation to exclude the Southeast Federal Center Overlay ("SEFC Overlay") from the proposed Inclusionary Zoning Overlay ("IZ Overlay")

GSA worked closely with the Office of Planning in the drafting of the SEFC Overlay that was adopted by this Commission in 2004 Prior to the adoption of the SEFC Overlay, the site was unzoned The GSA initiated this rulemaking in response to the Southeast Federal Center Public-Private Development Act of 2000, which authorizes the GSA to enter into agreements with the private sector for the development of the SEFC site for non-governmental uses such as residential and retail In considering the SEFC Overlay, the Zoning Commission remained cognizant of the importance of controlling the density of the site Ultimately, the Zoning Commission adopted numerous provisions that establish a maximum density for the SEFC Such maximum density applies regardless of whether a developer pursues a planned unit development ("PUD"), which might otherwise afford the developer additional density¹

In light of this zoning history, mapping the IZ Overlay on the SEFC site would be highly inappropriate Allowing developers in the SEFC Overlay to achieve a bonus density in return for providing affordable housing would be inconsistent with the SEFC Overlay's adoption, which established strict limits on density On the other hand, it would be inequitable to require developers in the SEFC Overlay to provide affordable housing while denying them the compensation of additional density given to other developers in the IZ Overlay-- compensation needed to allow projects providing affordable housing to be viable Indeed, such a policy would be contrary to one of the basic premises of the inclusionary zoning program Clearly the goals of the SEFC

¹ Zoning Commission Order No 03-06 (March 8, 2004), 11 DCMR § 1806.1

ZONING COMMISSION
District of Columbia

CASE NO. 04-33A

EXHIBIT NO. 76

Overlay and IZ Overlay do not complement each other, and reconciling both overlays on one site would not make sense

It is also important to note that the adoption of the SEFC Overlay provided the GSA and prospective developers with reasonable expectations of private sector development potential, which would be fundamentally altered by the inclusion of the SEFC Overlay in the IZ Overlay. The SEFC Overlay is the result of a lengthy and comprehensive process. In fact, the Office of Planning noted that this process was so "protracted" as to have "essentially resulted in a master plan similar to a PUD."² This process allowed the Office of Planning and community members to participate actively in the future of development along the Anacostia River, and allowed the Zoning Commission to establish the zoning "rules of the game." The duration and intensity of the SEFC Overlay process must provide certainty about the site's development potential, as a matter of fairness and due process.

The Office of Planning recognized the logic and importance of excluding the SEFC site in its Final OP Report on Inclusionary Zoning, Phase 2, recommending that the IZ Overlay not encompass the SEFC Overlay.³ The Office of Planning correctly noted that the current density permitted in the SEFC Overlay "maximize[s] the carrying capacity of the site, while maintaining important open space and view sheds," and that additional density on the site is furthermore precluded by "the presence of historic structures, infrastructure needs, and proximity to the river."⁴ The GSA strongly agrees with the Office of Planning that, because no additional density may be gained in the SEFC Overlay under the IZ Overlay rules, the IZ Overlay must not be mapped on the SEFC site.

On behalf of GSA, we thank you for your care and consideration in this matter.

Sincerely yours,



Allison C. Prince

cc Ellen McCarthy, Office of Planning
Robert Schlattman, General Services Administration
Jacques DePuy, Greenstein DeLorme & Luchs, PC

² Zoning Commission Case 04-33, *Final OP Report on Inclusionary Zoning, Phase 2*, § III(F)(3)(c), p. 67

³ *Id.* at 68

⁴ *Id.*