

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

DATE: May 25, 2006
TO: District of Columbia Zoning Commission
FROM: *ELS*
Ellen McCarthy, Director Office of Planning
SUBJECT: Zoning Commission Case No. 05-10, Capital Gateway Overlay District Amendment

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The Office of Planning respectfully requests that the Zoning Commission reopen the record for the receipt of the attached report providing additional clarification regarding Zoning Commission Case 05-10, Text Amendments to the Capitol Gateway Overlay District

EM/jl

ZONING COMMISSION
District of Columbia

CASE NO. 05-10
EXHIBIT NO. 19

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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SUPPLEMENTAL REPORT

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I. RECOMMENDATION IN BRIEF

The Office of Planning recommends the following clarifications to the proposed Combined Lot provisions, to ensure that wording and future interpretation reflects the intent. Proposed modifications are shown in **bold, underlined** text.

"1602 COMBINED LOT DEVELOPMENT"

1602.1 Two (2) or more lots within the Overlay District may be combined for the purpose of allocating residential and nonresidential uses regardless of the normal limitation on floor area by uses on each lot; provided, that the aggregate residential and nonresidential floor area shall not exceed the matter-of-right maximum height or density of the underlying zone district(s), except when bonus density is being constructed, subject to the following

- (a) **Within the CG/CR District**, the residential and nonresidential floor area on each individual parcel shall not exceed a maximum floor area ratio of 8.0 on parcels for which a height of 110 feet is permitted under the Height Act of 1910, or 8.5 on parcels for which a height of 130 feet is permitted under by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, D.C. Official Code §§ 6-601.01 to 6-601.09) as amended ("the Height Act"), including any bonus density;
- (b) **Within the CG/CR District**, the amount of commercial density transferred from one parcel to another may not exceed the lesser of an FAR of 3.0 or the amount of residential density being transferred;
- (c) Maximum permitted height shall be that permitted for any site receiving combined lot density within the CG/CR District, but only to the extent necessary to accommodate any additional density received from another parcel; and
- (d) The combined lot provisions may not be used to transfer density to or from any property within the CG/C-3-C, **CG/W-1, CG/W-2, or CG/W-3** Districts
- (e) In addition to the amount of density that may be transferred in accordance with §1602.1 (a), the Zoning Commission may, at its discretion, grant an additional transfer of density of 1.0 FAR maximum to or within Squares **700 and 701 and 702**, subject to the applicant addressing to the satisfaction of the Zoning Commission the objectives and guidelines of §§1601 and 1604-1607, as applicable.

II. ANALYSIS

In earlier reports, OP recommended amendments to further regulate the existing Combined Lot provisions within the CG Overlay. Upon further analysis of the proposed wording, it appeared that interpretations other than what was intended could be made. Combined lot development for the purposes of allocating commercial and residential density is permitted throughout the CG Overlay. Amendments pertaining to the transfer of actual density using this provision, however, were intended to apply to the CG/CR District. As drafted, the text could be interpreted to permit density or height greater than would otherwise be permitted on properties in other zones. The proposed wording clarifies the intent of the original changes.

In addition, OP noted an error in Section 1602 1(e) – the section refers to Square 701 and 702, whereas it should read Squares 700 and 701 – the two squares directly to the north of the ballpark site (Square 702 is within the Ballpark site).

The proposed changes are shown in the recommendation on Page 1 of this report.

EM/jl