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Office of the Director

SUPPLEMENTAL REPORT

TO: District of Columbia Zoning Commission

FROM:  Harriet Tregoning, Director

DATE: March 30, 2007

SUBJECT: **Post-Hearing Report for ZC 06-41**
Camden Development Square 653, 1325 South Capitol Street
Zoning Commission Design Review Under the Capitol Gateway Overlay

ZONING COMMISSION
District of Columbia

CASE NO. 06-41

EXHIBIT NO. 40

The Zoning Commission held a public hearing on this application on February 22, 2007. The applicant, Camden Development, is seeking design review approval pursuant to 11 DCMR Chapter 16, the Capitol Gateway Overlay District (CG Overlay), in order to construct a residential building with potential ground floor retail at 1325 South Capitol Street, S.W. In conjunction with the design review, the applicant is seeking relief from a number of other zoning requirements for building form and height.

The applicant submitted a letter subsequent to the hearing explaining their need to seek an FAR variance in conjunction with the other relief requests. The reason for this request is because the Office of Planning requested that the applicant provide as much affordable housing as possible, in accordance with pending Inclusionary Zoning (IZ) regulations. As the IZ regulations are not yet effective and in order to realize the "bonus" FAR originally sought under IZ, the applicant must now seek variance relief. The matter-of-right FAR in the C-2-C district is 6.0 and the applicant is requesting a total FAR of 6.55. The Office of Planning supports the variance relief.

Analysis

In order to be granted a variance, the applicant must show that they meet the three part test for relief. This property is unique because although the Inclusionary Zoning regulations are not yet effective, the Office of Planning encouraged the applicant to provide affordable units pursuant to a structure established by the IZ regulations, including the granting of bonus FAR. If IZ were in place, an applicant in the C-2-C district could potentially achieve an FAR of 7.2. The current proposal is well under that limit. The practical difficulty associated with the unique situation is that the applicant will not and need not provide affordable units without the extra FAR. A variance for a higher FAR on this property will not be a detriment to the public good; The building has been designed to step down to adjacent rowhouses to the west and will not have undue impacts on traffic, light or air. The zoning regulations will not be impaired, and in fact,

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the provision of affordable units with an accompanying increase in FAR is consistent with the adopted IZ regulations. Furthermore, as mentioned above, the requested increase in FAR is well within the envelope contemplated by the IZ regulations.

Conclusion

OP reiterates its position as stated in the supplemental memo dated March 12 that additional zoning relief should not be necessary to satisfy the Inclusionary Zoning requirements once they are in effect. In this instance, however, because regulations to grant the bonus density cannot be utilized by the applicant, the alternate mechanism of an FAR variance must be employed. The IZ program is not yet in effect, but the applicant is willing to provide affordable units consistent with District goals and objectives within a building form supported by planning efforts for South Capitol Street. OP recommends approval of the FAR variance.

HT/mrj