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The Honorable Adrian M. Fenty

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The Honorable Vincent C. Gray

Executive Director

Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 10-01

APR 07 2010

Zoning Commission of the
District of Columbia
2nd Floor, Suite 210
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

The National Capital Planning Commission, at its meeting on April 1, 2010,
approved the enclosed action on the proposed text amendment to allow increased
height and density to encourage affordable housing in Transferable Development
Rights Receiving Zones. The Staff Recommendation for the project is also
enclosed.

Sincerely,

Marcel C. Acosta
Executive Director

Enclosures

cc: Harriet Tregoning, Director, D.C. Office of Planning
Anthony Hood, Chairman, Zoning Commission

ZONING COMMISSION
District of Columbia

CASE NO. 10-01

EXHIBIT NO. 11

ZONING COMMISSION
District of Columbia
CASE NO.10-01
EXHIBIT NO.11

COMMISSION ACTION

NCPC File No. Z.C. 10-01



**TEXT AMENDMENT TO ALLOW FOR INCREASED FLOOR AREA RATIO (FAR)
AND HEIGHT SUBJECT TO DESIGN REVIEW FOR BUILDINGS LOCATED IN A
TRANSFERABLE DEVELOPMENT RIGHTS (TDR) RECEIVING ZONE AND
EITHER DEVELOPED AS PART OF AN APPROVED NEW COMMUNITY OR
FUNDED BY THE DISTRICT FOR AFFORDABLE HOUSING PURPOSES**

North Capitol, New Downtown, Capitol South, Southwest, and Downtown East Receiving Zones
Washington, D.C.

Referred by the Zoning Commission of the District of Columbia

April 1, 2010

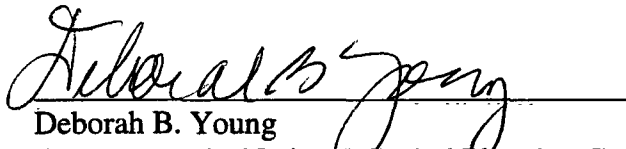
Commission Action Requested

Approval of comments to the District of Columbia Zoning Commission pursuant to 40 U.S.C. §8724(a) and D.C. Code §2-1006(a).

Commission Action

The Commission:

Finds that the proposed text amendment to allow increased height and density to encourage affordable housing in Transferable Development Rights Receiving Zones would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other identified federal interests.


Deborah B. Young
Secretary to the National Capital Planning Commission

**TEXT AMENDMENT TO ALLOW FOR INCREASED FLOOR AREA RATIO (FAR)
AND HEIGHT SUBJECT TO DESIGN REVIEW FOR BUILDINGS LOCATED IN A
TRANSFERABLE DEVELOPMENT RIGHTS (TDR) RECEIVING ZONE AND
EITHER DEVELOPED AS PART OF AN APPROVED NEW COMMUNITY
OR FUNDED BY THE DISTRICT FOR AFFORDABLE HOUSING PURPOSES**

North Capitol, New Downtown, Capitol South, Southwest, and Downtown East Receiving Zones
Washington, D.C.

Referred by the Zoning Commission of the District of Columbia

March 25, 2010

Abstract

The Zoning Commission of the District of Columbia has taken a proposed action to approve a text amendment to allow development with District-funded affordable housing or as part of an approved New Community plan to achieve the maximum allowable Floor Area Ratio (FAR) and building height in a Transferable Development Rights (TDR) Receiving Zone through a special exception by the Zoning Commission. These projects would be subject to District of Columbia design review prior to Zoning Commission approval.

Commission Action Requested by Applicant

Approval of comments to the District of Columbia Zoning Commission pursuant to 40 U.S.C. §8724(a) and D.C. Code §2-1006(a).

Executive Director's Recommendation

The Commission:

Finds that the proposed text amendment would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other identified federal interests.

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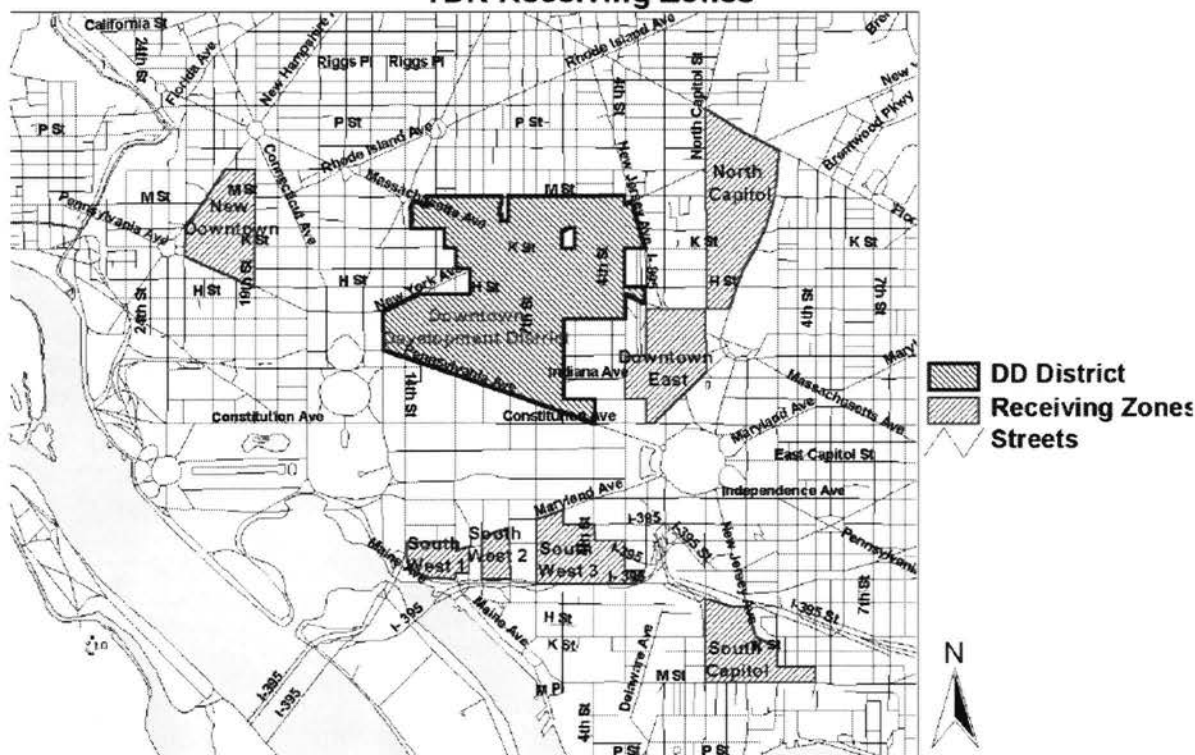
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PROJECT DESCRIPTION

Site

The Downtown Development District and five Transferable Development Rights (TDR) Receiving Zones are located in and around the downtown. The receiving zones, which are shown in the following map, are all zoned as C-3-C.

Downtown Development District & TDR Receiving Zones



Source: DC Office of Planning, June 2000

Background

The C-3-C zoning allows a development density of 6.5 FAR, with a maximum height of 90-feet, as a matter-of-right. Developers may build to a greater density of 8.0 FAR, with a maximum height of 130 feet, as a Planned Unit Development (PUD) in receiving zones. The densest achievable level of development is attainable through the use of TDRs to the following maximum standards:

Receiving Zone	FAR	Height
North Capitol	10.0 for buildings permitted a height of 130 feet 9.0 for buildings permitted a lesser height	110-130*
New Downtown	10.0 for buildings permitted a height of 130 feet 9.0 for buildings permitted a lesser height	110-130*
Capitol South	10.0 for buildings permitted a height of 130 feet 9.0 for buildings permitted a lesser height	110-130*
Southwest	10.0 for buildings permitted a height of 130 feet 9.0 for buildings permitted a lesser height	110-130*
Downtown East	9.0	110

* Subject to the 1910 Height Act

Through the TDR process, a developer is able to generate transferable development rights by developing a District-preferred use(s) within the Downtown Development District. The TDRs may be used by the developer who originally generated them, or they may be legally sold to another developer for use on a different building project. The maximum allowable density using TDRs is greater than by matter-of-right or through a PUD.

Proposal

The proposal would allow developers to construct buildings that include District-funded affordable housing or as part of an approved New Community plan to the maximum available development density in receiving zones, without possession of TDRs (shown in the preceding table). The projects would be subject to District design review prior to zoning review, and the Zoning Commission could then approve the projects as special exceptions. As such, the proposed text amendment would allow the District to directly facilitate the provision of affordable housing in these strategic areas at a cheaper cost.

The proposed text amendment would add the following text to § 771:

771.4 For a building or structure that is being developed as part of an approved New Community plan or for affordable housing funded by the District of Columbia, and is located in a receiving zone as defined in Chapter 17, the following provisions shall apply:

(a) In the New Downtown, North Capitol, Capitol South, and Southwest receiving zones, the maximum permitted FAR shall be 10.0 for buildings permitted a height of one hundred thirty feet (130 ft.), and 9.0 for buildings permitted a lesser height;

(b) In the Downtown East receiving zone, the maximum permitted FAR shall be 9.0;

771.5 No building permit for a building or structure shall be issued unless the Zoning Commission finds that the proposed building or structure meets the standards of §

3104 and is not inconsistent with the approved New Community plan, if applicable, or the Comprehensive Plan.

771.6 The Zoning Commission may hear and decide any additional requests for relief from Zoning Regulations for the subject site. Such requests may be advertised, heard, and decided together with the application for Zoning Commission review and approval.

PROJECT ANALYSIS

Executive Summary

Staff finds that the proposed text amendment would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other identified federal interests.

Comprehensive Plan for the National Capital

The proposed text change is not inconsistent with the Comprehensive Plan for the National Capital, and directly supports the following housing and transportation-related policies from the Plan's Federal Elements:

- Ensure, in the relocation of federal employees, similar or improved availability of public transportation, employee services, and affordable housing for the employees and their families within a convenient commuting distance;
- Consider locating federal workplaces near a variety of housing options to benefit employees. Priority should be given to locations that are easily accessible for employees to walk, bike, or take public transportation to commute between home and work;
- Support local agency efforts to create new housing options where federal workplaces are located or are planned to be located or expanded;
- Promote housing initiatives for a variety of housing options close to public transit or federal facilities. These initiatives should provide housing that makes the commute of the federal employees more convenient;
- Support pedestrian and transit commuting through Live-Near-Work programs;

Staff notes that the North Capitol, South Capitol, Downtown East, and Southwest receiving zones are all located in close proximity to significant concentrations of federal employment. Additionally, all of the receiving areas are located in parts of the city with good transit access through Metrorail, Metrobus, and/or DC Circulator.

Downtown Urban Renewal Plan Area

Although the Downtown East Receiving Zone partially overlaps the Downtown Renewal Plan Area, the proposed text amendment will not adversely affect the prescribed uses of public disposition lots in the Plan area. The federal interest in the Urban Renewal Plan is centered on the public disposition lots.

Height of Buildings Act of 1910, as amended

The maximum heights allowed by the proposed text amendment would be further subject to compliance with the Height of Buildings Act of 1910, as amended. The text amendment recognizes this fact.