

**MEMORANDUM**

RECEIVED
D C OFFICE OF ZONING

TO: District of Columbia Zoning Commission: 54
2015 OCT 30 11:13

FROM: *JS*
Jennifer Steingasser, Deputy Director for Development Review & Historic Preservation

DATE: October 30, 2015

SUBJECT: Zoning Commission Case No. 12-08^A: Request for Consent Calendar consideration of technical correction to § 3307.1

The Office of Planning (OP) respectfully requests that the Commission consider making a technical correction to Zoning Commission Order No. 12-08 and that the matter be placed on the consent calendar pursuant to § 3030 of the Commission's rules. The correction concerns the combined lot development process set forth in §3307, which permits two or more lots to combine for the purposes of achieving the minimum required FAR equivalent of residential uses. The proposed amendments would clarify that:

- (a) The combined lot process is not available to properties located StE-2, StE-10, StE-14a, StE-14b, StE-18, or StE-19 subdistricts;
- (b) The participating lots need not be located in the same subdistrict, and
- (c) The lot(s) receiving the residential gross floor area need not be subject to a minimum residential requirement.

The St. Elizabeths East Redevelopment Framework Plan¹ and the St. Elizabeths Master Plan and Design Guidelines were written to give flexibility to the development on St. Elizabeths East and required a minimum amount of residential use across the site. In the drafting of the StE zone, a minimum amount of residential use was required within specified subdistricts² and with flexibility that allowed residential use to be transferred to other subdistricts through the Combined Lot mechanism. This intent was stated in the Office of Planning Report of October 5, 2012 and in our presentation at the public hearing on October 18, 2012 as follows

OCTOBER 5, 2012, OFFICE OF PLANNING REPORT, PAGE 12, PARAGRAPHS 1 AND 2

"To ensure that the overall development maintains the mix of uses envisioned across the campus, a portion of the overall FAR within districts StE-6, StE-7, StE-12, StE-13, StE-14b, StE-15, and StE-16 is required to be dedicated to residential use. This, along with StE-10 and StE-14b, results in an overall requirement for a minimum of approximately 1.3 million square feet of residential development on this site, in accordance with the Master Plan.

Further, through a combined lot mechanism, residential use can be transferred to other districts (except the, StE-2, StE-10, StE-14a, StE-14b, StE-18, or StE-19 subdistricts) provided the

¹ Approved by the City Council on December 16, 2008

² The word "parcels" was used interchangeably with "subdistricts" in documents and at the public hearing.

maximum total FAR and height for the receiving district remains as outlined in Table 1. The transfer of required residential use between parcels shall be through a declaration of covenants between the sending and the receiving parcels. The covenants shall be administered in accordance with Combined Lot provisions already in place in other parts of the city.”

October 18, 2012 TRANSCRIPT EXERPT, PAGE 19, LINES 16 TO 22

“MS. BROWN-ROBERTS: We also provide some flexibility that residential use can be transferred to other parcels through the use of covenants or through the combined lot development process. This ensures, again, ensures that we retain the residential use that we envision across the site.”

It was clear that the intent was to allow the residential use to be transferred to other subdistricts. However, in drafting the text, OP inadvertently stated in § 3307.1 that only the lots within a subdistrict could be combined:

3307.1 In any StE subdistricts with a minimum residential requirement, two (2) or more lots within such a subdistrict may be combined for the purpose of achieving the minimum required FAR equivalent of residential uses, subject to the following:

OP proposes the following changes to § 3307.1 and the inclusion of new § 3307.2 to address this issue. Additional minor modifications are made for simplification.

PROPOSED CONSENT TEXT:

Section 3307, COMBINED LOTS

3307.1 ~~In any StE subdistricts with a minimum residential requirement, Except for lots located in the StE-2, StE-10, StE-14a, StE-14b, StE-18, or StE-19 subdistrict,~~ two (2) or more lots ~~within such a~~ in one or more StE subdistrict(s) may be combined for the purpose of achieving the minimum required FAR equivalent of residential uses, subject to the following:

(a) The lots may be located in the same StE subdistrict or in different StE subdistricts;

(b) The lot(s) receiving residential gross floor area need not be located in a StE subdistrict with a residential requirement; and

~~(a)(c)~~ **The total height and density limits of the subdistricts shall not be exceeded. ;**
and

~~(b)~~ **The combined lot provisions may not be used to transfer density to or from any property within to the StE 2, StE 10, StE 14a, StE 14b, StE 18, or StE 19 subdistricts.**