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VIA IZIS AND HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210
Washington, DC 20001

Re: **DB Residential Hill East, LLC / Z.C. Case No. 16-03**
Hill East District Design Review for Parcels F-1 and G-1

Dear Members of the Commission:

On behalf of DB Residential Hill East, LLC, an affiliate of Donatelli Development (the “Applicant”), we hereby amend the above-referenced application to include the following additional requests for relief pursuant to 11 DCMR § 2801.3: (i) a variance from the percentage and grouping of compact space requirements of 11 DCMR §§ 2115.2 and 2115.4; and (ii) a variance from the inclusionary zoning requirements of 11 DCMR § 2807.1. Given the latter, the Applicant withdraws its original request for a waiver from the inclusionary zoning requirements. As noted in the OP report, the HE zone district has no provisions for waiver from the requirements of Section 2807.

The test for granting an area variance is three-part: (1) demonstration that a particular piece of property is affected by some exceptional situation or condition; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or substantial impairment of the zone plan. As set forth below and further described at the public hearing on the application, the requested variance relief is appropriate.

A. Compact Parking Area Variances

The Applicant requests the following area variances:

Parcel F-1

- To permit 20 compact parking spaces where a maximum of 18 is permitted.

- To permit compact parking spaces that are not located in continuous groups of at least 5 spaces with access from the same drive aisle.

Parcel G-1

- To permit compact parking spaces that are not located in continuous groups of at least 5 spaces with access from the same drive aisle.

1. Exceptional Situation or Condition

A confluence of factors causes an exceptional condition for the Property, necessitating relief compact parking requirements. The existing topography of the site drops off significantly moving east to west toward the waterfront. Parcel F-1 drops off approximately 8 feet in height from west to east along the Property towards the Anacostia Waterfront Park and Parcel G-1 drops off approximately 17 feet in height from west to east along the Property. Also, the design and uses of the building must comply with design and use the requirements specified for the Hill East District in Chapter 28 of the Regulations. Finally, the Property is subject to the 30% affordable housing requirements for the Anacostia Waterfront Development Zone.

2. Resulting Practical Difficulty

Each building will only have one level of below grade parking. Since the Project is being developed with 30% affordable units, it is financially infeasible to provide more than one level of below grade parking. In addition, as a result of the design constraints the column spacing proposed for the buildings, as well as the accommodation of elevator core, stairways, trash rooms, walkways and other building functions dictate the size and location of the compact spaces.

3. No Substantial Detriment to the Public Good or Substantial Impairment of the Zone Plan

The Project is located adjacent to the Stadium Armory Metro Station and near numerous bus routes along 19th Street. An increase in the amount and grouping of compact parking spaces will not have a detrimental impact on the public good, since there is readily available public transportation. The Project also includes locations outside each building to accommodate BikeShare programs, which provide another alternate form of transportation. Granting the requested relief would also result in a more efficient use of garage space.

B. Variance from the Inclusionary Zoning Requirements

1. Exceptional Situation or Condition

The property is located within the Anacostia Waterfront Development Zone, and must comply with the affordable housing requirements contained in the National Capital Revitalization Corps and Anacostia Water Corporation Reorganization Act of 2008 (“AWI Act”). The AWI Act requires that at least 30% of the total housing units developed must be affordable with 15% reserved for households earning up to or at 30% of the area median income (“AMI”) and 15% reserved for households earning up to or at 60% of the AMI.

2. Resulting Practical Difficulty

The Department of Housing and Community Development ("DHCD") administers the inclusionary units required under Chapter 26. However, Chapter 26 does not provide for units at 30% and 60% AMI, nor does DHCD administer units at those affordability levels. Therefore, the affordable units required for the project do not constitute inclusionary zoning units as set forth in Chapter 26.

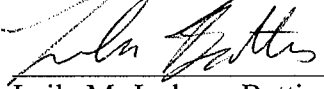
3. No Substantial Detriment to the Public Good or Substantial Impairment of the Zone Plan

Granting relief would not impact the public good. In lieu of the IZ requirements, the development would meet the affordable housing requirements listed in the AWI Act. The AWI Act requirements provide for more affordable units and at deeper levels of affordability than the IZ requirements.

We remain hopeful of your favorable consideration of this application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

 
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Enclosures

cc: Advisory Neighborhood Commission 7F (via email)
Advisory Neighborhood Commission 6B (via email)
Ms. Jennifer Steingasser, Office of Planning (via email)
Mr. Joel Lawson, Office of Planning (via email)
Maxine Brown-Roberts, D.C. Office of Planning (via email)
Jonathan Rogers, District Department of Transportation (via email)