

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE: November 9, 2016
SUBJECT: Zoning Commission Case 16-07, Waiver of Rules for Late Submittal of a Report pertaining to Supplemental Information

The attached report concerning Zoning Commission Case 16-07 is being submitted after the date stated by the Zoning Commission at the public hearing. The Office of Planning respectfully requests that the Commission waive its rule and accept this report into the record.

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FROM: *JL for* Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation
DATE: November 9, 2016
SUBJECT: ZC 16-07 Supplemental Report and OP Recommendation

The subject PUD was heard by the Zoning Commission at a public hearing on October 14, 2016. OP filed a report (Exhibit 26) indicating general support for the project but noting that OP was unable to conclude the proposed benefits and amenities were commensurate with the level of proposed development.

Penthouse Setback Relief

The applicant identified and requested new relief from the penthouse setback requirement for a “resident lounge” space at the October 14th public hearing. The relief had not been included in the application and was not evaluated in the OP report.

The applicant’s supplemental filing identifies the relief on pages A3 and A6 of Exhibit 35A; however, no detail or explanation is provided to justify the relief except for what appears to be aesthetic. OP cannot recommend approval of the relief without further detail.

Inclusionary Zoning and Penthouse Requirement

The applicant has provided a table (Exhibit 35, page 3) explaining the IZ proposed as part of the project. OP notes that the table is not accurate in its conclusion that the project would provide “3,027 *sf* at 50% more than is required as a matter of right.” There are two issues.

First, the applicant is including in the calculation 386 sq.ft. of space at 50% AMI which is actually required for the provision of habitable penthouse space (C § 1500.11). This area should not be included in any discussion of proffers, as this is required space.

Second, the applicant’s calculation is incorrectly based on the IZ requirement of the PUD requested zone, rather than the base zone. The matter of right IZ requirement should be based on the base C-2-A zone which requires half of the IZ space at 50% AMI; and this equals 2,264 sq.ft., based on density possible in the C-2-A zone. The applicant is now proposing 3,027 sq.ft. at 50% AMI through the PUD. This yields an increase of 763 sq.ft. over the required amount of 2,264 sq.ft., not an increase of 3,027 sq.ft. as stated in the table and in the draft Order (Exhibit 35B). The 763 sq.ft. proffer does represent an increase over the applicant’s original proposal for 715 sq.ft. at 50% AMI total (i.e. 1,449 sq.ft. less than required by the base zone).

This correction (to note the proffered increase in affordable space at 50% AMI is 763 sq.ft. over the by-right requirement) is critical and must be reflected in the draft order, including Finding of Fact paragraph 6 on page 2, Project Benefits and Amenities paragraph 47 on page 10, and footnote 3 on page 11.

OP also recommends that the paragraph 31 on page 6 be changed to read:

31. The Applicant will set aside a minimum of 8% of the residential gross floor area to IZ units. Of that, ~~approximately~~ **no less than** 3,413 square feet of gross floor area (three units) will be reserved for households earning up to 50% of the AMI and ~~approximately~~ **no less than** 3,583 square feet of gross floor area (three units) will be reserved for households earning up to 80% of the AMI.

OP RECOMMENDATION

If the Commission deems that the applicant’s affordable housing proffer is acceptable, and with the noted corrections and removal of the penthouse relief, OP recommends the Zoning Commission approve the project.