**MEMORANDUM**

**TO:**        District of Columbia Zoning Commission

**FROM:**     Jennifer Steingasser, Deputy Director

**DATE:**      March 30, 2012

**SUBJECT:**  ZC #06-08C – Fort Lincoln Gateway Village
Request for Minor Modifications to an Approved PUD

## I.    SUMMARY AND RECOMMENDATION

Fort Lincoln Gateway Village, LLC requests minor modifications to allow greater latitude in the marketing of workforce housing units, and in which units can be sold as workforce units. The applicant also requests eliminating the ten year affordability proffer on the workforce housing, and asks for flexibility to replace some stacked units with typical rowhouses. The Office of Planning (OP) does not object to most of the requests, but suggests that the applicant commit to provide a significant number of family-sized workforce units. Furthermore, OP recommends that the Commission deny the request to remove the 10 year affordability commitment on the workforce units. Finally, OP recommends that the Commission set this case down for a public hearing, as the proposed changes are not of little or no consequence.

## II.    BACKGROUND

The Commission approved the original PUD on November 19, 2007. Subsequently, two modifications were approved which dealt with the architecture of the townhouses, the arrangement of townhouse unit sizes within sticks, changing some two-over-two units to standard rowhouses, and project phasing.

OP also notes that the applicant is now proposing a one-over-two unit, rather than the two-over-two unit approved by the Commission. The applicant supplied OP with a copy of a letter from the Zoning Administrator dated January 5, 2012, in which the Administrator finds that the one-over-two unit is "consistent with the intent of the Zoning Commission in approving the PUD…[and] that there is no difference in the character or quality of the appearance" of the buildings. OP considers smaller units to have a different character than the units approved by the Commission, in terms of family sizes that can use the units. The approved units were three bedrooms and two and a half bathrooms in approximately 1,600 square feet. The proposed one-story units would have two bedrooms and two baths in about 1,440 square feet. Also, attached to the letter are elevation drawings of both the approved two-over-two units and the proposed one-over-two units, which seem to show significant change in the materials used on the façade.

## III.   PROPOSED MODIFICATIONS AND OP ANALYSIS

Section 3030 of the Zoning Regulations allows the Commission to act on "minor modifications" as part of the Consent Calendar, if those modifications are of "little or no importance or consequence" (§§ 3030.1 and 3030.2). In this case, because significant changes are proposed to the workforce housing program, a major benefit of the original PUD, as well as the type of housing units provided, the proposed modifications are not minor, and OP recommends that the application be setdown by the Commission for a public hearing. The substance of the proposed modifications is evaluated below.

1. **The applicant requests that the workforce housing units be made available to the general public, rather than just DC Public School employees, as required by Condition #3 of the original Order. (Written Statement, p. 2)**

According to the application, attempts to market units to DCPS employees have not met with any success. OP has no objection to opening up the workforce units to the general public, and the applicant would maintain the same income restrictions.

2. **The applicant requests flexibility to offer smaller units (the above-mentioned one-story units) as workforce housing in addition to the two-story units, as was originally proffered. (ibid., pp. 2-3)**

In general OP does not object to various unit sizes being sold at workforce levels, but would prefer that a majority of units be sized to accommodate larger families, as these tend to be in shorter supply. Also, the applicant should verify that there would be no overall loss of workforce housing floor area. The applicant should consider a commitment to a more precise mix of one-level and two-level workforce units.

3. **In the event that the applicant is not successful in selling the one-story or two-story stacked units as workforce units, flexibility is requested to sell 16 foot wide townhomes to buyers meeting the same affordability guidelines. (ibid., p. 3)**

OP does not object to offering different unit types at the same affordability levels. Furthermore, selling fee-simple rowhouses, without condominium fees, could perhaps increase the "amount" of home a family can afford. The applicant should clarify, however, what criteria and duration of time would be used to judge whether selling the stacked units has been successful or not. Also, because the 16 foot units are to be built throughout the project, the applicant should commit to evenly distributing the workforce units.

4. **The applicant requests that the 10 year restriction on the market-rate sale of the workforce units be removed. (ibid., p. 4)**

OP strongly objects to the removal of the 10 year affordability commitment, contained on page 7 of the Order at Finding of Fact #29. A time restriction on the market-rate sale of affordable or workforce units is key to the success of an affordable housing program. Without such a restriction, a buyer could flip a house, buying it below market rate and selling it at market rate in order to make a profit, without the home ever serving its intended purpose.

5. **The applicant requests flexibility to replace some or all of the two-over-two / one-over-two units in Phases II and III of the project with 16 and 24/22 foot rowhouse types. (ibid., pg. 4)**

OP does not object to replacement of the approved stacked unit types with standard rowhouses. The proposal could decrease the number of units from the 334 approved with #06-08B to as low as 314. The proposal would not be inconsistent with the Comprehensive Plan's Future Land Use Map, which calls for moderate density residential on the entire site.

## IV. COMMUNITY COMMENTS

As of this writing the Office of Planning has not received any comments from the community regarding this application.

JS/mrj