

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Philip Bradford, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: July 11, 2024

SUBJECT: BZA Case 18987B, 1124-1126 Florida Avenue NE, Request for Modification of Significance to add a habitable penthouse and increase the total number of dwelling units from 46 to 48 units

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following Modification of Significance:

- Subtitle Y § 704: Development permitted pursuant to Order 18987 to add penthouse habitable space to expand two dwelling units and add two dwelling units.

II. BACKGROUND

The original applicant was filed in 2015 and was processed under the Zoning Regulations of 1958. The Board approved the application in Order No. 18987 on July 23, 2015 for area variance relief from Floor Area Ratio, Residential Floor Area Ratio, and Rear Yard requirements. The order was extended by Order No. 18987-A on August 1, 2017. The project is currently under construction and the Order did not include any conditions of approval except that the project be constructed in accordance with the approved architectural plans.

III. LOCATION AND SITE DESCRIPTION

Address	1124-1126 Florida Ave, NE
Applicant	Cozen O'Connor for K Two LLC, owner
Legal Description	Square 4070, Lot 808
Ward, ANC	Ward 5; ANC 5D
Zone	MU-4
Lot Characteristics	Relatively level "L-shaped" lot with rear alley access
Existing Development	Under construction five-story multi-family building with 46 dwelling units and 27 off-street parking spaces; no habitable penthouse
Adjacent Properties	Row dwellings and flats. Properties to the west are zoned RF-1; properties to the east are zoned MU-4 with the properties nearest to the subject property developed as flats and row houses.

Surrounding Neighborhood Character	Moderate density residential with some neighborhood serving retail
Proposed Modification	Add a habitable penthouse and create two additional dwelling units in the previously approved multi-family building, for a total increase of 4.3% which is in excess of what is permitted by Zoning Administrator approval under Subtitle § A 304.10(g)

IV. OP ANALYSIS

The applicant proposes to modify the approved plans and incorporate a compliant habitable penthouse. The modification would involve a new penthouse 10 ft. 2 in. inches in height and compliant with all setback requirements. The area of the penthouse would be exempt from FAR pursuant to Subtitle C § 1505.1(c), so the proposal would not increase the FAR approved by the BZA in the original case. No other relief or flexibility is requested as part of this application.

The addition of the penthouse would create two residential units by adding a second level to units on the fifth floor, and adding two new units on the penthouse level. The proposed changes result in a total change in dwelling units from 46 units to 48 units, which is a 4.3% increase. Only a 2% increase in dwelling units is permitted by the Zoning Administrator under the provisions of A § 304.10(g), and as such the applicant has requested a Modification of Significance for this revision.

The habitable penthouse would appear to trigger a penthouse-IZ requirement at 50% MFI – the applicant should address at the public hearing how this will be provided.

V. OTHER DISTRICT AGENCIES

No comments were submitted to the record from other District agencies as of the date of the filing of this report.

VI. ADVISORY NEIGHBORHOOD COMMISSION

As of the date of this report, comments from ANC 5D had not been added to the record.

VII. COMMUNITY COMMENTS TO DATE

At Exhibit 16 is a letter of support for the application.

Attachment: Location Map

