Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 02-27

As Secretary to the Zoning Commission, I herby certify that on MAY 2 7 2003 copies of this Z.C. Order No. 02-27 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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6. Office of Planning (Ellen McCarthy)

7. Zoning Administrator

ATTESTED BY: _____
Alberto P. Bastida, AICP
Secretary to the Zoning Commission

ZONING COMMISSION
District of Columbia
Case 02-27
Exhibit 13

ZONING COMMISSION
District of Columbia
CASE NO.02-27
EXHIBIT NO.13

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 02-27
Case No. 02-27
(Consolidated PUD and Related Zoning Map Amendment
Jefferson at Logan Circle, L.P.)
October 28, 2002

On July 15, 2002, an application was submitted to the Zoning Commission for the District of Columbia by Jefferson at Logan Circle, L.P. ("Applicant") for consolidated review and approval of a planned unit development ("PUD") and related amendment to the Zoning Map of the District of Columbia pursuant to chapter 24 of the District of Columbia Municipal Regulations (DCMR, Title 11, Zoning). The Applicant requested the Commission to set the project down for public hearing. At its public meeting on October 28, 2002, the Commission voted 4-0-1 to dismiss the application without prejudice pursuant to 11 DCMR § 3011.

The Applicant, Jefferson at Logan Circle, L.P., is an affiliate of JPI Apartment Development and the contract purchaser of the subject property, located at 13th and M Streets, N.W. The proposed PUD, as revised by the Applicant after the initial filing, would be a 10-story apartment building with an underground garage. By preliminary report dated October 17, 2002, and supplemental report dated October 28, 2002, the Office of Planning ("OP") recommended setting down the application for public hearing despite expressing reservations about the requested zoning map amendment, among other aspects of the proposed development.

Findings of Fact

1. The proposed PUD site is located at the northwest corner of the intersection of 13th and M Streets, N.W. in the Logan Circle neighborhood of Ward 2 (Square 245, Lots 28, 804-806, 821, 825, 827, 834, and 841-842). The subject property has an area of approximately 35,128 square feet.

2. The proposed PUD would be a 10-story building containing 252 apartments and 107 parking spaces in an underground garage. The total floor area would be 275,000 square feet above grade, with eighty percent (80%) lot occupancy and a floor area ratio ("FAR") of 8.0.

3. The subject property is zoned R-5-E and designated "high-density residential" on the Generalized Land Use Map.

4. The R-5-E district permits a maximum height of 90 feet, a maximum FAR of 6.0 for apartment buildings, and maximum lot occupancy of seventy-five percent (75%). *See* 11 DCMR §§ 400.1, 402.4, and 403.2.

5. The Applicant requested a PUD-related map amendment of the subject property to DD/C-2-C, agreeing to forgo any DD-related development incentives, such as the generation of transferable development rights or bonus density, created as a result of the zoning change.

6. The DD/C-2-C zone permits a maximum height of 130 feet and maximum lot occupancy of eighty percent (80%). *See* 11 DCMR §§ 770.1, 771.2, 772.1, 1700.4, and 1706.4.

7. The Office of Planning noted in its report that the current boundaries of the DD overlay do not extend north of M Street, and that the closest DD/C-2-C district is a block away from the subject property along Massachusetts Avenue, N.W.

8. Alternatively, a PUD-related map amendment to Mixed-Use (CR) was proposed for the subject property. A PUD in the CR zone may have a maximum height of 110 feet, a residential FAR of 8.0, and maximum lot occupancy of seventy-five percent (75%). *See* 11 DCMR §§ 630.1, 631.1, 634.1, 2405.1, and 2405.2.

9. The Office of Planning expressed reservations about introducing a CR zone for a single project, even through a PUD. According to OP, no other property in the immediate area surrounding the subject property is currently zoned CR.

Conclusions of Law

1. The PUD process is designed to encourage high-quality developments that provide public benefits.

2. While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, nor to result in action that is inconsistent with the Comprehensive Plan.

3. The development of this PUD project would not be consistent with chapter 24 of the Zoning Regulations because of the disproportionately large size of the proposed apartment building relative to the matter-of-right limitations applicable under the existing R-5-E zoning of the subject property. The size and bulk of the proposed PUD – a 10-story building with 8.0 FAR and eighty percent (80%) lot occupancy – would substantially exceed the density contemplated in areas designated for high-density residential land use, which generally allows a maximum height of 90 feet, a

maximum FAR of 6.0, and a maximum lot occupancy of seventy-five percent (75%).

4. The application is dismissed without prejudice. An appropriate modification of the application would reduce the size and bulk of the proposed PUD project consistent with levels permitted in the R-5-E zone district with the additional increments permitted as part of the PUD process pursuant to chapter 24 of the Zoning Regulations.

Decision

In consideration of the Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia orders DISMISSAL, without prejudice, of the application for consolidated review of a planned unit development and related Zoning Map amendment for Square 245, Lots 28, 804-806, 821, 825, 827, 834, and 841-842.

Vote of the Zoning Commission was taken at its public meeting of October 28, 2002, to **DISMISS WITHOUT PREJUDICE** by a vote of 4-0-1 (Carol J. Mitten, Anthony J. Hood, John G. Parsons to deny; Peter G. May to deny by absentee ballot; and James H. Hannaham not present, not voting).

In accordance with the provisions of 11 DCMR § 3028, this order shall become final and effective upon publication in the D.C. Register, that is, on MAY 2 3 2003.

Carol J. Mitten
CAROL J. MITTEN
Chairman
Zoning Commission

Jerrily R. Kress
JERRILY R. KRESS, FAIA
Director
Office of Zoning