

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 06-46C
Z.C. Case No. 06-46C
Half Street Residential PJV, LLC
(Minor Modification to Capitol Gateway Overlay Design Review Approval @ Square 701)
June 13, 2016

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public meeting on June 13, 2016. At the meeting, the Commission approved an application from Half Street Residential PJV, LLC (the "Applicant") for a minor modification to a project approved pursuant to the Capitol Gateway Overlay District design review provisions ("CG Overlay provisions") set forth in § 1604 of the 1958 Zoning Regulations of the District of Columbia (the "1958 Zoning Regulations"),¹ Title 11 of the District of Columbia Municipal Regulations ("DCMR"). Because the requested modification was deemed to be minor in nature, a public hearing was not required. The Commission determined that the modification request was properly before it under the provisions of 11 DCMR §§ 411.24 and 3030 of the 1958 Zoning Regulations.

FINDINGS OF FACT

1. By Z.C. Order No. 06-46 (*dated* February 12, 2007, *effective* November 23, 2007), the Commission approved a new development for the property now designated as Record Lot 168 in Square 701, pursuant to the CG Overlay provisions. The Commission also approved a number of related variances and special exceptions for the project pursuant to 11 DCMR § 1604.9 of the 1958 Zoning Regulations (the "Original Plans").
2. The Original Plans depicted a 762,800 square foot, mixed-use development consisting of two buildings on a single lot of record ("North Building" and "South Building") comprising office, residential, hotel, and retail uses. The North Building was approved for office and retail use while the South Building was approved for hotel, residential, and retail use. The Original Plans were approved for 277,600 square feet of office space, 105,560 square feet of hotel space, 51,010 square feet of retail, and 320,100 square feet of residential. The Original Plans showed a maximum height of 110 feet, not including roof structures, and a maximum density of 7.44 floor area ratio ("FAR"). To achieve the maximum permitted building height and FAR, the Original Plans included the transfer of

¹The 1958 Zoning Regulations were in effect on the date the application was decided by the Commission, but were repealed as of September 6, 2016 and replaced by new text. The repeal and adoption of the replacement text has no effect on the validity of the Commission's decision or the validity of this Order.

residential density from Square 700 through a combined lot development that involved the ballpark site to the south.

3. By Z.C. Order No. 06-46A (*dated* January 28, 2008, *effective* December 12, 2008), the Commission approved minor modifications to the Original Plans (Z.C. Case No. 06-46A). The minor modifications included a number of design changes and several changes to gross floor area (“GFA”), including a reduction in office space, and increases in hotel, retail, and residential space. The minor modifications resulted in a reduction in the overall FAR from 7.44 to 7.35.
4. Following the Commission’s approval of the Original Plans, and subsequent minor modification, the North Building was constructed. However, the South Building was never constructed and ownership of the southern portion of Record Lot 168 transferred to the Applicant in the fall of 2014. The portion of Record Lot 168 that transferred to the Applicant is generally defined by the southern façade of the North Building on the north, N Street, S.E. on the south, Half Street, S.E. on the west, and Cushing Place, S.E., a 30-foot public alley, on the east.
5. By Z.C. Order No. 06-46B (*dated* June 29, 2015, *effective* July 31, 2015), the Commission approved modifications to the previously approved plans for the South Building. The Commission also approved related variances and special exceptions pursuant to 11 DCMR § 1604.9 of the 1958 Zoning Regulations (the “South Building Modified Plans”). The South Building Modified Plans are included as Exhibit [“Ex”] 22 of the record for Z.C. Case No. 06-46B.
6. According to Z.C. Order No. 06-46B, the South Building was approved for residential gross floor area (“GFA”) ranging from approximately 318,400-402,800 square feet, retail GFA ranging from approximately 55,100-69,200 square feet, and hotel GFA ranging between zero to approximately 78,300 square feet. In addition, the South Building was approved with a maximum density of 6.83 FAR (see Z.C. Order No. 06-46B, Conditions 3-4 at p. 19).
7. By letter dated May 12, 2016, the Applicant requested modifications to the South Building Modified Plans to revise the penthouse design and use, and to make modifications to the rooftop amenity space, green roof areas, and location of mechanical equipment. (Ex. 1.) The architectural drawings showing the proposed modification are included in the case record (“South Building Modified Penthouse Plans”). (Ex. 2B.)
8. Minor Modifications to the Penthouse Design and Use. As shown in the South Building Modified Penthouse Plans, the Applicant requested approval to modify the design and use of the South Building’s penthouse to include additional penthouse habitable space. Overall, the revised penthouse will contain approximately 9,369 GFA of penthouse habitable space, of which approximately 3,360 GFA will be devoted to communal recreation/amenity space. (Ex. 2B, Sheet A3.) In addition, the revised penthouse will contain approximately 2,199 GFA of penthouse mechanical space, and approximately 3,044 GFA of unenclosed screened mechanical equipment. With respect to penthouse

height, the modified penthouse will include a single enclosure with three separate heights. The penthouse habitable space, both communal and non-communal, will have a maximum height of 16'-0" above the roof, and the areas proposed to contain unenclosed screened mechanical equipment will have a maximum height of 17'-0" above the roof. The proposed penthouse mechanical space will have a maximum height of 18'-6." (Ex. 2B, Sheet A4.) The revised penthouse will meet all required setbacks with the exception of a portion of the main elevator core located at the southern end of the building, which the Commission previously granted relief from as part of its approval of the Original Plans.

9. Minor Modifications to Outdoor Rooftop Amenity Space and Landscape Plan. To accommodate the revised penthouse design, the Applicant revised the outdoor rooftop amenity space and landscape plan. The pool continues to be located on the central east-west wing of the building, and the height of the pool platform remains less than four feet above the adjacent roof. Similar to the South Building Modified Plans, the main outdoor amenity spaces remain located at the south end of the building near the intersection of Half and N Streets. The outdoor amenity spaces will primarily consist of temporary furnishings, planters, a grilling area, and a trellis structure. The landscaped areas of the roof extending along Half and N Streets are now devoted to a collection of private roof terraces and additional landscaped/green roof areas. According to Sheet L2 of the South Building Modified Penthouse Plans, the revised landscape plan increases the total amount of green roof by approximately 1,538 square feet.
10. Minor Modifications to Penthouse Facades. The materials proposed for the revised penthouse design are consistent with the materials that were previously approved for the main portion of the building, and consist of glass storefront windows, darker color fiber cement panels, and differentiated metal panel cladding. (Ex. 2B, Sheet A7.)
11. On April 1, 2016, the Applicant informed Advisory Neighborhood Commission ("ANC") 6D member Stacy Cloyd, Single Member District 6D02, of its intent to file the minor modification request and offered to formally present the request at a regularly scheduled meeting of the ANC. Commissioner Cloyd informed the Applicant that a formal presentation would not be necessary. Rather, at the ANC's regularly scheduled and duly noticed meeting held on April 11, 2016, Commissioner Cloyd informed the full ANC of the Applicant's minor modification request. No objections were raised by the ANC or the public. On May 12, 2016, the Applicant provided the ANC with a copy of the minor modification application that was submitted to the Commission. The ANC did not submit a written report on the minor modification application.
12. The Office of Planning ("OP") reviewed the South Building Modified Penthouse Plans, and by report dated June 6, 2016, OP recommended approval of the minor modification. (Ex. 4.)
13. On June 13, 2016, the Commission held a public meeting to consider the minor modification shown in the South Building Modified Penthouse Plans. At the meeting, the Commission voted to approve the application for a minor modification to the plans approved in Z.C. Order No. 06-46B.

14. The Commission finds that the requested modification as depicted in the South Building Modified Penthouse Plans are minor, and further finds that approval of the modification is appropriate and not inconsistent with the plans approved in Z.C. Order No. 06-46B.

CONCLUSIONS OF LAW

1. Upon consideration of the record in this application, the Commission finds that the proposed modification is consistent with the intent of the Commission's previous approval in Z.C. Order No. 06-46B, and is not inconsistent with the Comprehensive Plan.
2. The Commission concludes that approving the modification is appropriate and not inconsistent with the intent of 11 DCMR § 3030 of the 1958 Zoning Regulations. Moreover, the Commission finds that this application meets the filing requirements of 11 DCMR §§ 411.24 and 411.25 of the 1958 Zoning Regulations to permit Consent Calendar consideration of an application for penthouse habitable space to be added to a building approved by the Commission through the design review requirements of the CG Overlay provisions prior to January 8, 2016.
3. The Commission concludes that its decision is in the best interest of the District of Columbia, and is consistent with the intent and purpose of the 1958 Zoning Regulations and Zoning Act.
4. Finally, the Commission finds that the modification does not affect the essential elements of the Modified Plans, as approved pursuant to Z.C. Order No. 06-46B, including use, height, bulk, parking, or lot occupancy. The modification is minor such that consideration as a Consent Calendar item without public hearing is appropriate.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for minor modification to the plans approved pursuant to Z.C. Order No. 06-46B, the Modified Plans, subject to the architectural plans and elevations submitted at Exhibit 2B of this case, the South Building Modified Penthouse Plans.

At its public meeting on June 13, 2016, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve and adopt).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the D.C. Register; that is on October 7, 2016.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING