

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-26B**

Z.C. Case No. 07-26B

(O Street Roadside, LLC)

Minor Modifications to the Approved PUD at Square 398, Lots 829 and 830

May 10, 2010

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on May 10, 2010. At the meeting, the Commission approved an application from the O Street Roadside, LLC (the "Applicant") for minor modifications to an approved planned unit development ("PUD") for property identified as Lots 829 and 830 in Square 398, located in the Shaw neighborhood of Northwest Washington, pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations ("Modification Application"). The Commission determined that the Modification Application was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations ("DCMR").

FINDINGS OF FACT

1. By Zoning Commission Order No. 07-26 ("Order No. 07-26") the Commission approved a consolidated PUD and related Zoning Map amendment from the C-2-A Zone District to the C-3-C Zone District for the Property. The property includes all of the area bounded by 7th, 9th, O, and P Streets, N.W. The approved PUD authorized construction of a mixed- use development that includes affordable residential units for rent to senior citizens, homeownership and rental residential units, and a hotel with 210 rooms (or additional residential units in the space reserved for the hotel use). The project also includes retail and services uses including a 65,000 square foot grocery store, 10,000 square feet of additional retail space, and an 8,000 square foot restaurant. The existing historic O Street Market will be rehabilitated and incorporated into the new grocery store. The project will have an overall density of 5.15 floor area ratio ("FAR") and a total gross floor area of approximately 770,780 square feet. Order No. 06-31 became effective upon its publication in the *D.C. Register* on July 18, 2010.
2. By letter dated April 23, 2010, the Applicant requested that the Commission modify the approval of the PUD to change the rooftop configuration and certain other aspects of the approved façades
3. The proposed changes are the result of the owner's decision to pursue a central mechanical plant option for the O Street Market buildings. This system would consolidate the heating and cooling functions for the residential buildings into a single

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penthouse on one building, with lines connecting underground to serve the entire project. Use of a central plant allows the design team to achieve improved energy efficiency in the conditioning (heating and cooling) and maintenance of the residential buildings, and reduced carbon footprint in their construction, thus furthering the project's overall sustainable building goals. Additionally, central plants benefit the larger community by reducing and simplify demands on the local utility grid. Accordingly, these modifications will benefit both the project and the District as a whole by furthering the project's overall sustainable building goals.

4. The roof structure design modifications are necessary because while the equipment involved in the central plant option will be inherently more efficient than a conventional multiple-plant scheme, it also has to be more centralized. Thus, the east penthouse has been enlarged to accommodate the central plant and, conversely, the west penthouse has been reduced. While the roof structure on building #1 has been enlarged in terms of overall length, the setback from 8th Street has been increased from four feet to eight feet, minimizing its impact as seen from the street. The 1:1 setback has been maintained on the east side, facing the lower height historic O Street Market building.
5. Other minor roof structure modifications have also occurred as a part of the overall design development of the project, as follows:
 - A. One roof structure on the east building and two roof structures on the west building are all 10 feet in height and contain secondary mechanical equipment necessary for the operation of the buildings upon which they sit. They have been enlarged to accommodate an improved interior air quality system which provides additional and constant fresh air to the residential units. The enlarged penthouses allow for an additional mechanical unit to provide this function. This is a change from the previous design, which relied on operable windows to provide fresh air to the units, and furthers the project's sustainability goals by improving indoor air quality; and
 - B. The roof structure on the south end of the west building over the hotel matches the original roof structure in overall size, but has been modified by decreasing the exterior terrace area inside its volume. Additionally, a minor bay has been added on the south side to accommodate a specific hotel tenant key plan and elevator configuration.
6. Certain other minor design modifications were made after the PUD approval as a result of (1) further discussions and review by the Historic Preservation Office and the Historic Preservation Review Board ("HPRB"); and (2) the normal evolution in the design process in going from the schematic level plans submitted as part of a PUD to design development level drawings and ultimately to construction documents submitted as part of a building permit application. These modifications do not materially affect the approved building designs or intent. These additional refinements are as follows.

- A. On the South and East Elevations, the trellis frame has been reduced one story on the senior housing "cube." The pattern of bays behind the market on the east residential building has been modified in conjunction with the frame removal;
 - B. On the West Elevation, elevator overruns have been removed from the penthouse level. These are no longer needed due to new elevator technology;
 - C. On the 8th Street East Elevation, the horizontal "eyebrow" articulation has been lowered two stories to the 7th floor. In coordination with the HPRB, the reveal that separated the north and south volumes was revised to create a more unified approach to this elevation; and
 - D. On the 8th Street West Elevation, the penthouse volume has been articulated via openings to an interior roof terrace for the hotel.
7. In all other respects, including height, gross floor area, number of units, yards, courts, parking, and loading, the PUD will remain as approved by the Commission.
8. Pursuant to 11 DCMR § 3030.11, the Director of the Office of Zoning placed the request for modifications on the Commission's consent calendar for its public meeting on May 10, 2010. At that meeting, the Commission voted to approve the application for modifications to Order No. 07-26.
9. There was no opposition to the modification request. Advisory Neighborhood Commission ("ANC") 2C was served by the Applicant with the requested modifications, but the ANC did not submit a written report.
10. The Office of Planning submitted a report, dated April 30, 2010, recommending approval of the proposed modifications. The report stated that the proposed changes do not materially affect the facts upon which approval of the PUD was granted, including the building's height, parking and loading, number of units, courts, yards, and gross floor area.

CONCLUSIONS OF LAW

Upon consideration of the record in this case, the Commission concludes that the proposed modifications are of little or no importance or consequence and are consistent with the intent of the Commission in approving the original project in Zoning Commission Case No. 07-26. The proposed modifications represent significant enhancements in the energy efficiency of the development. The other changes to the façades are minor and represent minimal changes to the design in response to discussions with the HPRB and in creating more detailed construction documents for the project.

The Commission further concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Act.

The approval of these modifications is not inconsistent with the Comprehensive Plan.

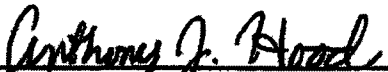
The modifications are of such a minor nature that their consideration as a consent calendar item without public hearing is appropriate.

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 this application for minor modifications of an approved PUD. The plans dated April 23, 2010, marked as part of Exhibit 1 of the Record, shall be incorporated into the plans cited in Condition No. 1 of Order No. 07-26.

On May 10, 2010, upon the motion of Commissioner Turnbull, as seconded by Commissioner May, the Commission **ADOPTED** this Order at its public meeting by a vote of **3-0-2** (Anthony J. Hood, Peter G. May, and Michael G. Turnbull to approve; Konrad W. Schlater, having recused himself, not voting; the third Mayoral appointee position vacant).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on August 27, 2010.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING