



## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:**  Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

**DATE:** September 15, 2014

**SUBJECT:** Zoning Commission Case No. 13-18: **Supplemental**  
Consolidated PUD and Zoning Map Amendment for 4129-4131 Wheeler Rd. SE

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### **COMMISSION REQUEST**

At the public meeting on June 30, 2014, the Commission requested additional analysis from OP regarding how the proposed building height, including the 7<sup>th</sup> floor would be considered “not inconsistent with” the Comprehensive Plan, and could not be considered precedent-setting for future applications.

### **BACKGROUND**

The level above the 6<sup>th</sup> floor is proposed to be used as recreational space for residents, including provision of an outdoor seating area with other amenities for athletic use by residents and pets. The total of this area is shown as 5,385 sf including mechanical, and recreational equipment storage. Identified in the applicant’s original submission as a penthouse, the Zoning Administrator concurred that “*the indoor space did not contain stand-alone uses, but are in conjunction with and supportive of the outdoor rooftop recreation space.*” (Applicant’s supplemental filing May 20, 2014 – Exhibit 26, subsection D)

The Commission questioned the Zoning Administrator’s assessment of the use of the space, as being “supportive of rooftop recreation space” and considers the structure an additional story for the building. The applicant subsequently submitted revised plans re-labeling the penthouse as a 7<sup>th</sup> story (Plans dated 06/09/2014). This changed the initial FAR from 3.4 to 3.56 and the building’s height from 65 feet to 77 feet.

### **OP RESPONSE**

While OP concurs with the ZA’s original determination that the uses indicated for that level are supportive of the outdoor rooftop recreation space, (not unlike penthouse uses in newer apartment buildings around the District where both mechanical and recreational spaces coexist<sup>1</sup>), OP remains supportive of the revised proposed project, including the design and uses within the top level.

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<sup>1</sup> The low density C-2-A PUD designation would allow 3.0 FAR and 65 feet maximum in height. The minimal height increase of 3 feet proposed by this PUD would allow for a contemporary retail space with 14-foot ceiling heights, below 5 stories of family-sized affordable housing units. The proposed FAR exceeds the maximum by a minimal 0.4 FAR.



The Comprehensive Plan's direction is well phrased in the Land Use Element's policy:

**LU-2.4 Neighborhood Commercial Districts and Centers:** *“Many District neighborhoods, particularly those on the east side of the city, lack well-defined centers or have centers that struggle with high vacancies and a limited range of neighborhood-serving businesses...The location ....., and the development of mixed use projects that include upper story housing, can encourage their revival.”*

Pursuant to § 2405.3, the Commission may authorize minor deviations for good cause. This authorization, read in combination with the Comprehensive Plan's direction that ***“other zones may apply”*** would be considered appropriate for ***“good cause.”*** The project's proposal of minimal increases to the maximum permitted height and density are in support of the significant amenity of the family-sized affordable units of this project, which is an exceptional situation for “good cause.” Therefore, the requested PUD-related map amendment from the C-1 to C-2-B District is directed to allow the requested minimal increase in height and density only and **should not be interpreted as a precedent for future cases.**