

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Brandice Elliott, Project Manager
JLS
Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: January 3, 2020

SUBJECT: **OP Report** – Case 15-27B: Request for a Modification of Significance to approved PUD ZC Case No. 15-27 for Building C1 at 350 Morse Street, N.E.

I. APPLICATION AND RECOMMENDATION

As part of Zoning Commission Case 15-27B, the applicant, 350 Morse CPK Owner, LLC, requests a Modification of Significance pursuant to Subtitle Z § 704 to Zoning Commission Order No. 15-27 to allow a “nightclub, bar, cocktail lounge, or restaurant” use in the penthouse of Building C1. Although this case, a second stage PUD for Building C2, was set down December 9, 2019, the modification to the penthouse use for Building C1 was not included. As a result, the applicant requests that the modification of significance be set down and considered simultaneously with Building C2 at the same public hearing.

The applicant proposes to introduce a use (nightclub, bar, cocktail lounge, or restaurant) in the penthouse of Building C1 that requires special exception. The Zoning Commission previously decided that such a change would be considered a modification of significance (see Zoning Commission Case No. 15-27D). Additionally, Subtitle C § 1500.3(c) requires that a bar or restaurant meet the general special exception criteria, and the applicant has demonstrated compliance with those criteria.

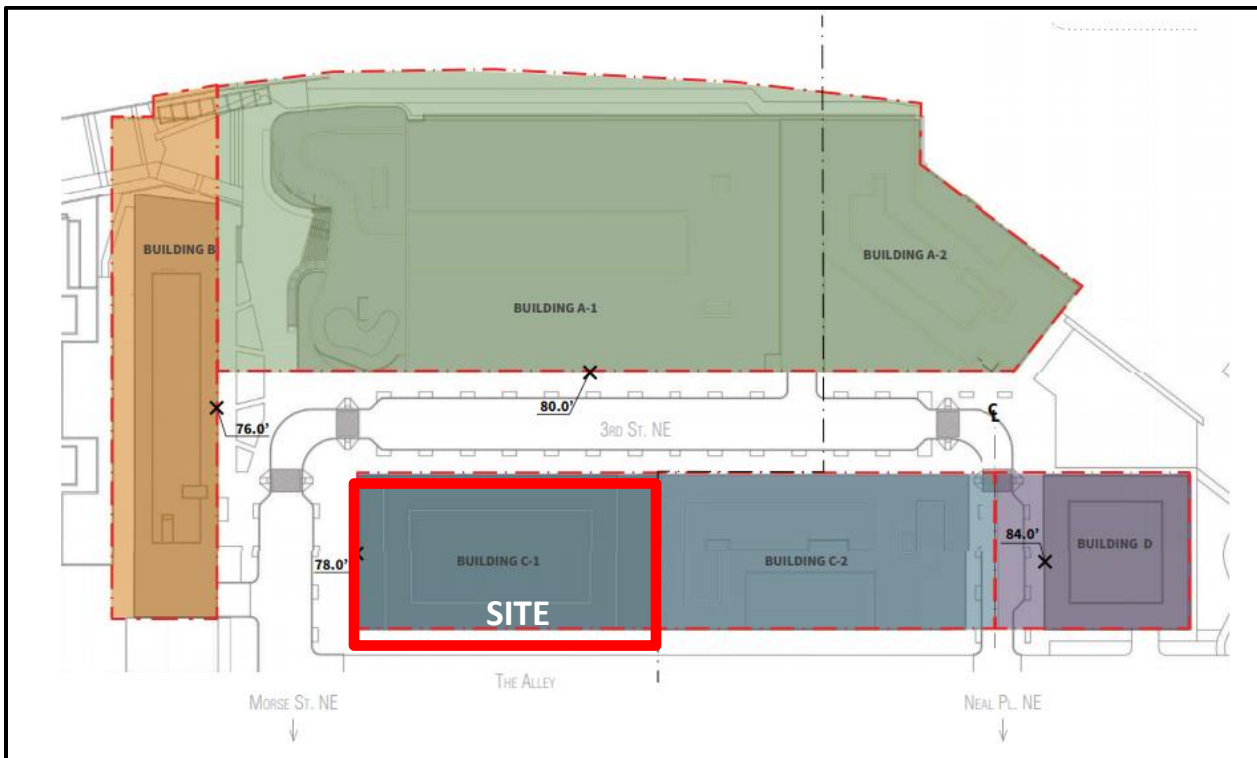
After a review of the request, including a comparison of the modified plans against the approved plans and the Order (ZC 15-27), OP recommends **setdown** of the requested modification to:

1. Introduce a nightclub, cocktail lounge, or restaurant use of approximately 6,298 square feet in the penthouse approved for office amenity space.

II. OVERVIEW AND BACKGROUND

ZC Order 15-27, dated March 27, 2017, approved a consolidated Planned Unit Development (PUD) for Building C1, to allow redevelopment of the former warehouse as a mixed-use building consisting of retail and office uses. The building was approved for a maximum height of 130-feet and 228,121 square feet of gross floor area. The applicant proposes to dedicate approximately 6,298 square feet of the penthouse to the requested uses. The remainder of the building would remain unchanged.

A Modification of Consequence for Building C1 was recently approved by the Zoning Commission but addressed only architectural elements of the penthouse.



The subject site is located at the southeast corner of 3rd Street and Morse Street.

III. OP ANALYSIS

The applicant proposes to change the approved office space in the penthouse to a nightclub, bar, cocktail lounge, or restaurant use. The habitable space would be reduced slightly from 6,347 square feet to 6,298 square feet. The shape and location of the habitable space would generally remain the same as previously approved, and there would not be any exterior modifications to the approved plans to accommodate the habitable penthouse space.

In order to fulfill the affordable housing requirement of the proposed habitable penthouse space, the applicant has provided that a contribution of approximately \$203,599 would be made to the Housing Production Trust Fund.

IV. SPECIAL EXCEPTION FOR HABITABLE PENTHOUSE

As noted above, a nightclub, bar, cocktail lounge, or restaurant use is permitted as a special exception subject to the criteria of Subtitle X § 900.

X § 901.2(a) The special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The proposed habitable penthouse would be in harmony with the intent of the approved PUD to create an active, mixed use development that would attract residents and tourists and bring greater vitality to Florida Avenue Market. The proposed uses are permitted in the C-3-C zone and would generate an affordable housing contribution.

X § 901.2(b) The special exception will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The proposed use should not adversely affect the use of neighboring property. The penthouse would be located at the top of a 130-foot high office building and would be separated from residential buildings to the west by 3rd Street and from residential buildings to the east by a public alley. Building C2 to the north is requesting a modification to allow the building to be developed as office (case ZC 15-27B).

X § 901.2(c) The special exception will meet such special conditions as may be specified in this title.

The Zoning Regulations contain no special conditions for the proposed use.

V. ANC/ COMMUNITY COMMENTS

ANC 5D has submitted a letter of general support for the second stage PUDs (Buildings A2, C2 and D) to the record at Exhibit 2F.

JLS/be
Case Manager: Brandice Elliott