

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission for the District of Columbia



ZONING COMMISSION ORDER NO. 06-04E
Z.C. Case No. 06-04E
Florida & Q Street, LLC
(Minor Modification to PUD @ Square 3100)
July 20, 2016

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on July 20, 2016. At the meeting, the Commission approved an application of Florida & Q Street, LLC (“Applicant”) for minor modifications to an approved planned unit development (“PUD”) for property located at 1600 North Capitol Street, N.W. (Square 3100, Lot 48) (“Property”). Because the modifications were deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under the provisions of 11 DCMR §§ 2409.9 and 3030.¹

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 06-04, the Commission approved a consolidated PUD and a Zoning Map amendment to rezone the Property from the C-2-A Zone District to the C-2-B Zone District (the “PUD”).
2. Pursuant to Z.C. Order No. 06-04C, the Commission approved modifications to the PUD (the “Modified PUD”). The modified plans are included as Exhibits [“Ex.”] 18A1–18A6 in the case record for the Modified PUD, and reflect a mixed-use development having a total gross floor area (“GFA”) of approximately 85,428 square feet, with approximately 84,306 square feet of GFA devoted to residential use. The Modified PUD will contain between 85 and 95 dwelling units, and approximately 4,998 square feet of floor area will be devoted to retail use in the cellar. The Modified PUD will have a maximum density of 4.5 floor area ratio (“FAR”), a maximum building height of 72’-4½” (not including penthouses), and will include 41 parking spaces located on one level of underground parking accessed from Florida Avenue. (Z.C. Order No. 06-04C, Conditions 1–4).
3. Pursuant to Z.C. Order No. 06-04F, the Commission extended the validity of the PUD for an additional two years, such that construction shall begin no later than June 15, 2018.
4. By letter dated June 1, 2016, the Applicant requested modifications to the architectural drawings approved in Z.C. Order No. 06-04C to revise the penthouse design and use, and

¹ All references to Title 11 DCMR within the body of this Order, except for the final reference, are to provisions that were in effect on the date the application was decided by the Commission, but which were repealed as of September 6, 2016 and replaced by new text.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.

- to make modifications to the rooftop amenity space, green roof areas, and location of mechanical equipment. (Ex. 1.) The architectural drawings showing the proposed modifications are included in the case record. (Ex. 1G.)
5. The Office of Planning (“OP”) reviewed the request for minor modifications, and by report dated June 27, 2016, OP recommended approval of the minor modifications. (Ex. 4.)
 6. On July 11, 2016, the Commission held a public meeting wherein it indicated its willingness to approve as a Consent Calendar item the Applicant’s request for a minor modification to revise the penthouse design and add penthouse habitable space. However, the Commission questioned whether the revised penthouse design was in compliance with the 1:1 setback requirements along portions of the penthouse at the rear of the building. The Commission requested that the Applicant reevaluate the setbacks along the rear of the building and to submit a further revised penthouse plan, if necessary.
 7. On July 15, 2016, the Applicant submitted a further revised penthouse plan in response to the Commission’s request. The further revised penthouse plan provided the required 1:1 setback along the rear of the building, including those specific portions of the penthouse that the Commission previously commented on at its July 11, 2016, public meeting. (Ex. 6A.)
 8. Minor Modifications to the Penthouse Design and Use. As shown in the modified penthouse plans and as revised, the Applicant requested approval for minor modifications to revise the design and use of the building’s penthouse to incorporate approximately 3,904 square feet of GFA of penthouse habitable space. The Applicant stated that while the final layout of the proposed penthouse habitable space is not yet determined, the space will be allocated either as individual dwelling units or made part of dwelling units located on the floor below such that the resulting number of units in the building remains within the 85- to 95-unit range approved under Z.C. Order No. 06-04C. The modified penthouse will include a single enclosure with three separate heights. The penthouse habitable and mechanical space will have a maximum height of 14’-4”, the areas containing screened mechanical equipment will have a maximum height of 8’-0”, and the elevator overruns will have a maximum height of 17’-0”. The modified penthouse will meet the 1:1 setback requirements along all edges of the roof.
 9. On June 1, 2016, the Applicant served the minor modification request on Advisory Neighborhood Commission (“ANC”) 5E. On July 11, 2016, ANC 5E submitted a resolution in support of the requested minor modification. (Ex. 5.) In addition, on July 15, 2016, the Applicant served the further revised penthouse plan on the ANC 5E. ANC 5E did not submit a response to the further revised penthouse plan.
 10. On July 20, 2016, at a special public meeting, the Commission reviewed the modified and further revised penthouse plans and granted approval of the minor modifications as a Consent Calendar matter.

11. The Commission finds that the requested modifications as depicted in the modified and further revised penthouse plans are minor, and further finds that approval of the modifications is appropriate and not inconsistent with its approval of the original PUD.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission finds that the proposed modifications are consistent with the intent of the previously approved Z.C. Order No. 06-04 and are not inconsistent with the Comprehensive Plan.

The Commission concludes that approving the modifications is appropriate and not inconsistent with the intent of 11 DCMR §§ 2409.9 or 3030. Moreover, the Commission finds that this application meets the filing requirements of 11 DCMR §§ 411.24 and 411.25 to permit Consent Calendar consideration of an application for penthouse habitable space to be added to a building approved by the Commission as a PUD prior to January 8, 2016.

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 Zoning Regulations and Zoning Act.

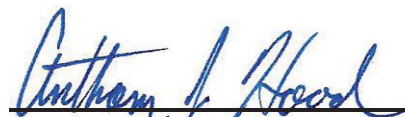
Finally, the Commission finds that the modifications do not affect the essential elements of the approved PUD, including use, height, bulk, parking, or lot occupancy. The modifications are minor such that consideration as a Consent Calendar item without public hearing is appropriate.

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 modifications to the plans approved pursuant to Z.C. Order No. 06-04C, subject to the architectural plans and elevations submitted at Exhibit 1G of this case record, and as further modified by the architectural plans and elevations submitted at Exhibit 6A.

At its public meeting on July 20, 2016, upon the motion of Commissioner May, as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Marcie I. Cohen, and Peter G. May to approve and adopt; Michael G. Turnbull to approve and adopt by absentee ballot).

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