

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 16-29(1)

Z.C. Case No. 16-29

Poplar Point RBBR, LLC

(Extinguishment of First-Stage PUD @ Square 5860, Lots 97, 1025-1031, 1036, 1037, and a portion of an alley to be closed, and Square 5861, Lot 91)

June 6, 2019

Pursuant to public notice, the Zoning Commission for the District of Columbia (the “Commission”) held a special public meeting on June 6, 2019, to consider the request of Poplar Point RBBR, LLC (d/b/a Columbian Quarter Holding (the “Applicant”) to extinguish, pursuant to Subtitle X § 310.2(b), a planned unit development (“PUD”) for Lots 97, 1025-1031, 1036, 1037, and a portion of an alley to be closed in Square 5860 and Lot 91 in Square 5861 (the “Property”) approved by Z.C. Order No. 16-29, dated April 12, 2018. The Commission reviewed the request pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (the “Zoning Regulations,” to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the request.

FINDINGS OF FACT

1. The Order authorized a PUD (the “Poplar Point PUD”) on the Property, which has a land area of approximately 271,219 square feet, located on either side of Howard Road, S.E., and between Interstate 295 and South Capitol Street, S.E.
2. The Poplar Point PUD, which included a related map amendment from the MU-14 zone to the MU-9 zone, authorized the construction of five mixed-use buildings, containing approximately 52,120 gross square feet of retail use, 691,690 gross square feet of residential use comprising approximately 700 residential units, 1,614,670 gross square feet of office use, and approximately 983 vehicular parking spaces. The Poplar Point PUD was allowed a maximum height of 130 feet and maximum density of 8.99 floor area ratio (“FAR”).
3. The Applicant submitted a letter dated May 3, 2019 to the record requesting the Commission extinguish the Poplar Point PUD in order for the Applicant to pursue alternative development opportunities for the Property.

CONCLUSIONS OF LAW

1. Subtitle X § 300.1 establishes that the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD: (a) results in a project superior to what would result from the matter-of-right standards; (b) offers a commendable number or quality of meaningful public benefits; and (c) protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.
2. Subtitle X § 310.2 requires that upon the Commission's approval of a PUD, construction of the PUD site must comply with the PUD approval until: (a) its validity expires for failure to file a building permit application, start construction, or obtain required approvals within the time limits defined in the Zoning Regulations and PUD approval; or (b) the Commission approves a request to extinguish the PUD approval.
3. The Commission concludes that since the Applicant has not started to construct the Poplar Point PUD, extinguishing the Poplar Point PUD would not make the Property non-compliant with the Zoning Regulations based on the MU-14 zone in which the Property is located.
4. The Commission concludes that extinguishing the Poplar Point PUD would be consistent with the PUD process, the Zoning Regulations, and the Comprehensive Plan, because the Applicant no longer intends to construct the Poplar Point PUD, but instead to develop the Property under the matter-of-right standards applicable to the Property.

DECISION

At a public meeting held on June 6, 2019, in consideration of the case record and Findings of Fact and Conclusions of Law herein, upon the motion of Commissioner Shapiro, as seconded by Commissioner May, the Zoning Commission for the District of Columbia took **FINAL ACTION** to **APPROVE** the request to extinguish the Poplar Point PUD by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on June 28, 2019.

BY ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING