

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 563-A
Case No. 94-12M/87-32C
(Minor PUD Modification @ Arts Club)
January 9, 1995

By Z.C. Order No. 563 dated February 8, 1988 and amended March 17, 1988, the Zoning Commission for the District of Columbia granted consolidated approval for a planned unit development (PUD) for Lots 35, 36, 37, and 846 in Square 78 at the northwest corner of the intersection of 20th and I Streets, N.W. No change of zoning was requested.

The PUD site was located at 2001 - 2017 I Street, contained approximately 28,645 square feet of land area, was zoned C-3-C, and was improved with several structures.

The Zoning Commission approved the redevelopment of the PUD site by demolishing the structures on Lots 35 and 36, and by retaining the structures on Lots 37 and 846. The approval provided for the construction of an eleven-story mixed-use office building on Lots 35 and 36 with ground floor retail uses, and the intended transfer of unused development rights from Lots 37 and 846 to the new building. The approval also required the preservation and restoration of the south facade of the structure on Lot 846.

The new office/retail building was to have a lot occupancy of 100 percent, a maximum floor area ratio (FAR) of 10.48, a maximum height of 124.16 feet, and underground parking to accommodate 83 cars.

The PUD project was subsequently constructed, pursuant to the guidelines, conditions and standards contained of Z.C. Order No. 563.

The C-3-C District permits matter-of-right major business and employment centers of medium/height density development, including office, retail, housing, and mixed uses to a maximum height of 90 feet, a maximum FAR of 6.5 for residential and other permitted uses, and a maximum lot occupancy of 100 percent.

On June 21, 1994, the District of Columbia Office of Zoning (OZ) received the application of 2011 Eye Street Land Limited Partnership requesting a minor PUD modification to Z.C. Order No. 563, pursuant to 11 DCMR 2407.9, for property at 2011 I Street, N.W.

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The applicant requested the minor PUD modification in order to allow for the partial enclosure of the arcade in the front of the Primi Piatti Restaurant and to allow for a small expansion of the restaurant. The enclosure of the arcade will result in a total of 338 additional square feet of gross floor area in the building.

The applicant also requested the Zoning Commission to review its application, pursuant to the Consent Calendar provisions of 11 DCMR 3030, and indicated the following:

"Primi Piatti is a highly successful restaurant. In connection with its renewal of its lease, Primi Piatti is most interested in slightly expanding the amount of seating area through the enclosure of the arcade. The enclosure of the arcade will not change the lot coverage of the building in any manner. Further, the appearance of the building will change little because a portion of the arcade will simply be glassed in at the street level.

Since the building is part of a PUD site, the Zoning Administrator has determined that the requested enclosure, although minor in nature, requires approval of the Zoning Commission."

By memorandum dated September 21, 1994, OZ referred the application to the Office of Planning (OP) requesting review and comments about the merits of the applicant's request.

By memorandum dated September 22, 1994, OZ referred the application to the Zoning Administrator (ZA) inquiring why the ZA could not approve the applicant's request during an earlier review for permit.

By responding memorandum dated November 1, 1994, the ZA indicated the following:

"I have reviewed the plans and have determined that the proposed plan will eliminate the arcade as shown on the plans referenced in Condition #1 under "Decision", Zoning Commission Order 563, dated April 8, 1988

The other issue of concern is the increase in the floor area ratio (FAR) being 338 square feet."

By responding memorandum dated November 3, 1994, the OP recommended the following:

"The Office of Planning is supportive of this application. The proposal would increase the total FAR by 0.012, or 338 additional square feet. The proposal falls below the two

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percent (2%) latitude that Section 2407.6(a) of 11 DCMR provides for the Zoning Administrator to approve such a deviation. As previously stated, the zoning applicable to the subject site, as well as the Generalized Land Use Map designation approved in 1995, has not changed since the PUD was approved. Accordingly, the Office of Planning recommends that the Zoning Commission approve the requested minor modification, or, in the alternative, that the Commission schedule a public hearing in this case."

On November 14, 1994 at its regular monthly meeting, the Zoning Commission reviewed the application as a Consent Calendar matter and granted approval. In addition to reviewing the application and the aforementioned memoranda, the Zoning Commission also considered a memorandum dated November 14, 1994 from OZ, which recommended approval of the application. The OZ memorandum, in part, stated the following:

"The relief requested by the applicant is consistent with the intent of the Zoning Commission in its original approval of the PUD. The relief requested will not impair the intent, purpose or integrity of the zone plan."

The proposed decision of the Zoning Commission to approve the application was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganizational Act. NCPC, by report dated December 21, 1994, found that the proposed modification, allowing the enclosure of 338 square feet of the existing arcade for expanding the existing street level restaurant at 2011 I Street, N.W., Lot 846 in Square 78, would not adversely affect the Federal Establishment or other Federal interests in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission concurs with the applicant, OP, ZA and OZ believes that approving the application is appropriate and not inconsistent with the intent of 11 DCMR 2407.9 and 3030.

The Zoning Commission further believes 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 the Zoning Act.

The Zoning Commission did not accord Advisory Neighborhood Commission (ANC) 2A "great weight" consideration because the ANC did not participate in this application.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of a minor modification to the PUD project and to Z.C. Order No. 563 for property located at 2011 I Street, N.W. This minor PUD modification is subject to the following guidelines, conditions, and standards:

1. The minor PUD modification shall be developed in accordance with the architectural plans prepared by Brennan Bear Gorman - Architects, and marked as Exhibit No. 6 of the record.
2. The minor modification shall allow for the expansion of the floor area of the existing restaurant by approximately 338 square feet.
3. Pursuant to the intent of 11 DCMR 2407.3, no building permit shall be issued by the Department of Consumer and Regulatory Affairs (DCRA) for the PUD modification until the applicant has recorded a "Notice of Modification" of Z.C. Order No. 563 with the land records of the District of Columbia. That Notice of Modification shall include a true copy of Z.C. Order Nos. 563 and 563-A that the Director of the Office of Zoning has certified. The recordation of the Notice of Modification shall bind the applicant and successors in title to construct on and use this site in accordance with this order and any amendments thereof.
4. After recordation of the Notice of Modification, the applicant shall promptly file a certified copy of that Notice of Modification with the Office of Zoning for the records of the Zoning Commission.
5. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the applicant has satisfied Condition Nos. 3 and 4 of this order.
6. The PUD modification approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, application must be filed for a building permit as specified in subsections 11 DCMR 2407.2 and 2407.3 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.
7. Pursuant to D.C. Code Section 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicants are required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be

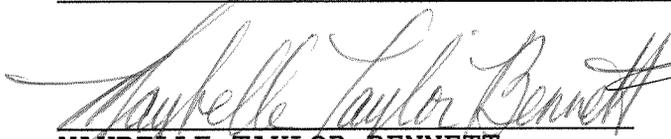
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understood to require the Zoning Regulations Division of DCRA to approve permits if the applicants fail to comply with any provision of D.C. Law 2-38 as amended.

Vote of the Zoning Commission taken at the public meeting on November 14, 1994: 5-0 (William B. Johnson, William L. Ensign and Maybelle Taylor Bennett to approve, and John G. Parsons and Jerrily R. Kress, to approve by absentee vote).

This order was adopted by the Zoning Commission at the public meeting on January 9, 1995 by a vote of 4-0 (John G. Parsons, Jerrily R. Kress, William L. Ensign and Maybelle Taylor Bennett to adopt, and William B. Johnson not present, not voting).

In accordance with the provisions of 11 DCMR, this order is final and effective upon publication in the D.C. Register; that is, on FEB 3 1995.



MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission



MADELIENE H. ROBINSON
Director
Office of Zoning

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