Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 591A
Case No. 88-8C
(PUD Modification @ H St. Overpass)
June 12, 1989

By Z.C. Order No. 591 dated October 17, 1988, the Zoning Commission for the District of Columbia approved an application from Potomac Development Corporation on behalf of H Street Overpass Associates for Consolidated review and approval of a Planned Unit Development (PUD), pursuant to the provisions of section 2400 of the District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

The PUD approval was for the construction of a mixed use building with office, residential and retail uses. The project would have six floors devoted to office use, two floors devoted to residential use and one floor devoted to retail use.

The project would be developed to a maximum floor area ratio (FAR) of 3.67 of which 2.75 FAR would be devoted to commercial use and 0.92 FAR would be devoted to residential use. The height of the structure would be ranging from 44 feet to 82.5 feet. A total of 158 parking spaces would be provided to serve both residential and office portions of the project.

Pursuant to 11 DCMR 3028, Z.C. Order No. 591 became final and effective upon publication in the D.C. Register on December 2, 1988. On March 6, 1989 the Zoning Commission received a letter from H Street Overpass Associates requesting that the Zoning Commission waive the requirement of 11 DCMR 3029.5 that a Motion for Reconsideration must be filed within 10 days of the date that an Order becomes final, reconsider Zoning Commission Order No. 591 as associated with the approved plans in Zoning Commission Case No. 88-8C, and grant approval to a modification of those plans.

The applicant proposes to eliminate the fourth floor residential balcony on the south side of the building, as well as that area of the roof deck above, in order to provide proper light and ventilation to the residential units. The applicant contends that without the requested

change, the plans do not meet the Building Code requirements and the goal of providing residential living space could not be achieved. The applicant further proposes to compensate for the loss of residential recreation space of the roof deck by reconfiguring the rooftop space.

On March 13, 1989, at its regular monthly meeting, the Zoning Commission first considered the applicant's March 6 letter. At that time, the Zoning Commission decided not to take action until the time period for response from any parties to the case had expired. On March 20, 1989, at a special meeting, the Zoning Commission considered the applicant's March 6 letter, waived the 10 day filing requirement of 11 DCMR 3029.5, and proposed to approve the modification to the previously approved plans. There was nothing filed in the record by any party to the case nor did ANC 2C take a position on the applicant's request.

The Zoning Commission concurs with the applicant's request and determined that the requested changes are not unreasonable nor inappropriate. The Commission believes that the proposed modification will not adversely affect the interest of neighboring property owners, the neighborhood, or the ANC.

The Zoning Commission further believes that the proposed modifications are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan for National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders approval of a modification to Zoning Commission Order No. 591 and specifically to the previously approved plans, subject to the following guidelines, conditions and standards:

1. The approved Planned Unit Development plans associated with the Zoning Commission Order No. 591 shall be modified to allow for the elimination of the fourth floor residential balcony on the south side of the building, as well as that area of the roof deck above, as shown on the plans filed as attachments to applicant's March 6 letter marked as Exhibit No. 69 of the record in Case No. 88-8C.

2. The rooftop residential recreation space area shall be reconfigured as shown on the plans filed in the record of Case No. 88-8C including the omitting of the decorative pergola on the roof and the modification of the mechanical unit enclosure. Although reconfigured slightly from the previous plan, the residential

recreation space will provide the same amount of space as previously approved.

3. The building plans and elevations shall be modified only to the extent that the elimination of the residential balconies has changed the drawings.

4. Except as explicitly modified in this Order, the conditions and other provisions of Z.C. Order No. 591 shall remain in full force and effect.

5. The Zoning Secretariat shall not release the Zoning Commission file on this case to the Zoning Administrator until the applicant has filed with the Zoning Commission a certified copy of the PUD covenant required by Condition No. 22 of Z.C. Order No. 591, as amended.

Vote of the Zoning Commission taken at a special public meeting on March 20, 1989: 5-0 (Maybelle Taylor Bennett, Lloyd D. Smith and Lindsley Williams, to approve - John G. Parsons and Elliott Carroll, to approve by proxy).

This order was adopted by the Zoning Commission at its public meeting held on June 12, 1989 by a vote of 4-0 (Maybelle Taylor Bennett, John G. Parsons, Lindsley Williams and Lloyd D. Smith, to approve - Elliott Carroll, not present not voting).

In accordance with the provision of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is on JUL 28 1989.

LINDSLEY WILLIAMS
Chairman
Zoning Commission

EDWARD L. CURRY
Executive Director
Zoning Secretariat

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