

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 638-A
Case No. 88-32C
(PUD & Map @ Gramercy)
February 12, 1990

By Z.C. Order No. 638, dated November 13, 1989, the Zoning Commission for the District of Columbia approved an application of the Rhode Island Associates Limited Partnership for consolidated review of a Planned Unit Development (PUD) and related change of zoning from SP-2 to C-4 for lot 824 in Square 182 located at 1616 Rhode Island Avenue, N.W.

Z.C. Order No. 638 provides for the construction of a ten-story mixed-use building containing office/retail and residential uses. The height of the building will not exceed 106 feet and the floor area ratio (FAR) will not exceed 6.86, of which 1.64 FAR will be devoted to residential use. The number of residential units will range from forty-eight (48) to fifty-two (52). The minimum number of on-site parking spaces will be 125 for commercial uses, in addition to not less than one (1) parking space for each apartment unit; that is 173-177.

Pursuant to 11 DCMR 3028.8., Z.C. Order No. 638 became final and effective upon publication in the District of Columbia Register on December 15, 1989 (36 DCR 8397).

11 DCMR 3029.5, in part, requires that a party in a contested proceeding file a motion for reconsideration no more than ten (10) days after an order becomes effective. By letter dated December 19, 1989, counsel for the applicant filed a motion for reconsideration of Z.C. Order No. 638.

The motion for reconsideration requests the Zoning Commission to revise conditions of approval in Z.C. Order No. 638 relative to the number of apartment units and the treatment of the below-grade parking area.

The applicant requested that there be no limit on the maximum number of residential units that it provides or, in the alternative, that the maximum number of residential units be increased to fifty-six (56). The applicant

indicated that the shortage of downtown housing and the related public policy dictate a need for additional housing.

The applicant also requested that it not be required to construct a fourth parking garage level because the total number of parking spaces that will be provided, including the vault space, on the remaining three levels of the project will be approximately 270 parking spaces. This figure, which is 89 spaces greater than what is required pursuant to Condition No. 9, is more than adequate to handle the parking needs of the building. The applicant submits that the deletion of the fourth level of the parking garage will not be inconsistent with either the spirit or intent of the conditions approved by the Zoning Commission in Z.C. Order No. 638.

As a related matter the applicant indicated that Z.C. Order No. 638 does not include a flexibility subsection relating to below grade space. The Commission customarily has provided language in its previous orders allowing an applicant the flexibility to vary the arrangement of the below grade space. The applicant requested that such a provision be included to provide clarification to the Zoning Administrator since the layout of most parking schemes are not finalized until further along in the design process.

Advisory Neighborhood Commission - 2B and the National Rifle Association, parties in the case, did not submit any comments in response to the applicant's motion for reconsideration.

The District of Columbia Office of Planning (OP) did not submit any comments in response to the applicant's motion for reconsideration.

The Secretary to the Zoning Commission, by memorandum dated January 5, 1990 commented on the basis of how the Commission originally approved a range of forty-eight (48) to fifty-two (52) apartment units.

On January 8, 1990, at its regular monthly meeting, the Zoning Commission considered the applicant's motion, and determined that the merits of the motion were reasonable, appropriate, and would not adversely affect the interest of the adjacent owners, the subject neighborhood, or ANC-2B.

The Zoning Commission believes that the proposed revisions 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 the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders

APPROVAL of the revisions to Z.C. Order No. 638 and related architectural drawings, subject to the following guidelines, conditions, and standards:

1. Revise the second sentence of Condition No. 6 to read as follows:

"The total number of residential units on the two floors shall not exceed fifty-six (56)
2. After the words "vault space" in the second sentence of Condition No. 9, substitute the following revision:

"as shown on the revised parking plans; that is, Exhibit No. "71-B" of the record"; and
3. Add new subsection (f) to Condition No. 16 to read as follows:

"Varying the arrangement of the parking spaces and modification to the below grade space to accommodate the needs of the apartment residents, retail users, office tenants and handicapped persons as long as the variation or modification is consistent with Condition No. 9 of this order."
4. No building permit shall be issued for the site until the applicant has recorded a covenant in the land records of the District of Columbia between the owner and the District of Columbia satisfactory to the Office of Corporation Counsel and the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construct on and use of the property in accordance with this Order and amendments thereto of the Zoning Commission.
5. The Zoning Secretariat shall not release the record of this case to the Zoning Regulations Divisions of DCRA until the applicant has filed a certified copy of said covenant with the records of the Zoning Commission.
6. This revision to the PUD 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 11 DCMR 2406.8. Construction shall start within three years of the effective date of this order.
7. Pursuant to D.C Code Sec. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the

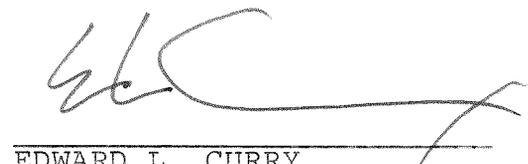
provisions of D.C. Law 2038, as amended, codified as D.C. Code, Title 1, Chapter 25, (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this Order shall be understood to require the Zoning Regulations Division/DCRA to approve permits, if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at a regular public meeting on January 8, 1990: 3-0 (John G. Parsons, Lloyd D. Smith and Maybelle Taylor Bennett, to revise - Tersh Boasberg, not voting not having participated in the case and William L. Ensign, not present not voting).

This order was adopted by the Zoning Commission at its regular public meeting on February 12, 1990 by a vote of 3-0 (John G. Parsons and Maybelle Taylor Bennett, to adopt and Lloyd D. Smith, to adopt by absentee vote - Tersh Boasberg and William L. Ensign, not voting not having participated in the case).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is, on MAR - 9 1990.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat