

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: November 4, 2016

SUBJECT: ZC Case 04-13A - **OP Report** –Minor Modification to approved PUD at 1210 R Street, N.W.

I. RECOMMENDATION

The applicant filed a Minor Modification request pursuant to Subtitle Z § 703 to allow the conversion of a community space to three residential units. The community space was a proffer of the original PUD approval and the current application states that the community space, intended to be used for church programs, is no longer needed or used for those purposes.

While OP is not opposed to the conversion of this space to residential use the application does not meet the regulations for being considered a “Minor Modification”. Rather, OP recommends the application be reviewed as a “Modification of Significance”, pursuant to Subtitle Z, §§ 703.5, 703.6 and 704. Subtitle Z § 703.6 states “*Examples of modifications of significance include, but are not limited to, a change in use, change to proffered public benefits and amenities, change in required covenants, or additional relief or flexibility from the zoning regulations not previously approved.*” The proposed modifications would result in a change in use of the community room to residential, and changes the benefits and amenities package by eliminating the community room for use by a church. As such, OP recommends the application be set down for a public hearing.

Subtitle Z § 704 provides for Zoning Commission consideration of a modification of significance to an approved Planned Unit Development (PUD) as follows:

704 MODIFICATIONS OF SIGNIFICANCE

- 704.1 An application for a modification of significance shall be filed using the form provided by the Director.
- 704.2 If the applicant had first requested the modification as a modification of consequence, the application fee paid in that case shall be credited against the fee required.
- 704.3 If the application is for the modification of a second-stage PUD, it shall meet the requirements for, and be processed as, a second-stage PUD application.
- 704.4 The scope of a hearing conducted pursuant to this section shall be limited to impact of the modification on the subject of the original application, and shall not permit the Commission to revisit its original decision.

704.5 The filing of any modification request under this section shall not act to toll the expiration of the underlying order and the grant of any such modification shall not extend the validity of any such order.

II. BACKGROUND

On October 12, 2016 Metropolitan Baptist Church (the “applicant”) applied for minor modification approval pursuant to § 3030 of the 1958 Zoning Regulations (ZR58) to modify a PUD approved pursuant to ZC Order 04-13. That order, which took effect on May 13, 2005, permitted the construction of a multi-family residential building and a PUD-related map amendment to the R-5-B zone district. Included among the benefits and amenities package within the order is Condition No. 4 (page 14) requiring “*approximately 3,479 square feet of space on the cellar level shall be used as a community room providing church programs, ...*” The building was subsequently constructed and the community room occupied by Metropolitan Baptist Church. Six on-site garage spaces were assigned to it by the Order.

The applicant has since filed for bankruptcy and filed for a minor modification under ZR-58 to convert the space into three apartment units, one of which would be handicap accessible at 80 percent AMI, assign three of the spaces dedicated to the community room to the three units (making the other two available for sale or lease to the public) and convert the church entrance area from Vermont Avenue within the subject property into green space for use by the building’s residents. However, on September 6, 2016 the 2016 Zoning Regulations (ZR-16) went into effect, replacing ZR-58 and revising how modifications to approved PUDs are reviewed by the Commission.

III. MODIFICATION REQUEST

The applicant is proposing to modify the approved PUD to convert the community room space for use by a church into three apartment units, one of which would be handicap accessible at 80 percent AMI, assign three of the spaces dedicated to the community room to the three units (making the other two available for sale or lease to the public) and convert the church exterior access area within the subject property between the Vermont Avenue public sidewalk and the building into green space for use by the building’s residents.

The following table summarizes the requested changes against the approved PUD:

Item	Approved (consolidated) PUD	Proposed Modification	Plan Sheet Nos.
1	Community room	Three apartments	A.03, A.05
2	Areaway and church access	Green area	A.02, A.03, A.04

IV. OP ANALYSIS

The revisions would add a one-bedroom handicap accessible apartment at 80 percent AMI, one 2-bedroom apartment and one 3-bedroom apartment. OP supports the addition of an affordable handicap accessible apartment, also suitable for occupancy by senior citizens, and the addition of two family-size units to the building, as positive improvements to the building. The addition of two off-street parking spaces that would be available to the community would benefit the neighborhood. Additional green space along the Vermont Avenue frontage would improve the residential appearance of the building.

The applicant should provide detailed information on how this area is to be redesigned, including square footage and a planting plan prior to the public hearing.

V. ANC/ COMMUNITY COMMENTS

No community comments were received to date.

VI. AGENCY COMMENTS

If this application is set down for a public hearing the Office of Planning will request comments from DOEE and DDOT.

JS/sjm
Case Manager: Stephen J. Mordfin, AICP