

SUPPLEMENTAL REPORT

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: July 12, 2016
SUBJECT: MODIFICATION REQUEST - BZA Case No. 18890A (646-654 H Street, N.E.)

I. RECOMMENDATION

The Office of Planning recommends that the Board approve the modifications as requested by the applicant.

II. BACKGROUND

In BZA Summary Order 18890A, dated February 20, 2015, the Board approved:

1. Special exception relief pursuant to §§3104 and Section 1320.4 (f) to permit enlargement of the GFA by 50% or more on a property of 6,000 sf or more land area; and;
2. Variance relief from the following requirements:
 - § 2101.1 Parking (17 parking spaces required, 5 compact spaces proposed);
 - § 2115.2 Compact Spaces (a minimum 25 vehicle spaces are required, 0 are proposed); and
 - § 2201.1 Loading (1 retail loading platform @100 sf required, none proposed);

subject to the conditions of the Order ([BZA 18890, Exhibit 37](#)) to allow a 75-foot high mixed-use building within the HS-H/C-2-B District at 646-654 H Street N.E. (Square 858, Lot 065)

III. PROPOSED MODIFICATIONS

The applicant requested a modification to the approved subject plans, including:

- The addition of habitable penthouse space, above the 6th floor – 1,908 square feet (net);
- Reduction in the unit count from 26 units to 23 units; and
- Design changes to the retail entrances at the ground floor.

IV. OP ANALYSIS OF THE MODIFICATIONS

The proposed modification must comply with the requirements of Section 3129 as follows:

3129.2 The Board shall consider requests to approve minor modifications to plans approved by the Board, as set forth in §§ 3125.7 and 3125.8. The request shall be in writing, shall state specifically the modifications requested and the reasons therefore and include a copy of the plans for which approval is now requested.

The applicant's representative presented the request in writing to the record as Exhibit 1 on June 9, 2016. It states the request and includes a drawing of the approved roof plan and the proposed modification.

3129.3 A request for minor modification of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application.

The Order's effective date is February 20, 2015. The application has been filed in accordance with this provision.

3129.4 All requests for minor modifications of plans shall be served on all other parties to the original application at the same time as the request is filed with the Board. A party shall have ten (10) days within which to submit written comments that such party may have concerning the requested modification.

The request was delivered to the ANC 6C and to OP. There were no other parties to the record.

3129.6 Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts upon which the Board based its original approval of the application.

Penthouse: The proposed 18 ft. 6 inches penthouse would include the upper levels of five units of the 6th floor, which would lead to private patios on the 6th floor roof ([Exhibit 2, Sheets A1.6, A1.7](#)). The lower penthouse level would be 12 feet in height and the upper level (for mechanical units) would be 6.5 feet in height. The penthouse would comply with the by-right area requirements of §§ 770.6 and 411.

The set aside requirement for IZ, (8% of the GFA, devoted to residential use) triggers an additional set aside of 153 square feet which would generate a contribution to the Housing Trust Fund¹ (\$2607.9).

Since all area requirements would be satisfied, as well as the IZ requirement, this proposed change would not affect the material facts upon which the variance and special exception relief was granted.

Building Entry: The location and design of the retail entrances would be modified (Exhibit 2, A2.1). However, the changes would remain consistent with the design guidelines under Section 1324 and the H Street N.E. Strategic Development Plan, as initially reviewed by OP in the original case ([BZA 18890 - Exhibit 33](#))

Unit Count: The unit count would be reduced from 26 units to 23 units, which has no bearing on the relief requested.

Therefore, based on the above, OP has no objection to the requested modifications of the plans initially approved under Order 18890 for the proposed development at 646-654 H Street, N.E.

¹ C-2-B set aside requirements pertain to moderate income units only. The smallest units in the project measure 505 sf.