

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission**



**ZONING COMMISSION ORDER NO. 03-03A  
Z.C. Case No. 03-03A  
(Minor Modification to the Consolidated Planned Unit Development  
for Capitol Gateway Estates)  
March 14, 2005**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on March 14, 2005. At the meeting, the Zoning Commission approved an application from the District of Columbia Housing Authority and the associated private development team of A&R/THC LLC and East Capitol Gateway LLC (the "Applicant") for a minor modification to an approved planned unit development ("PUD") for specified properties located in Square 5281, bounded by 56<sup>th</sup> Place, Central Avenue, Southern Avenue, 57<sup>th</sup> Street and A Street, all S.E., pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations. The specific properties affected are Square 5281, Lots 88-91 and 113-122. Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations.

**FINDINGS OF FACT**

By Zoning Commission Order No. 03-03/02-05, dated May 10, 2004, the Commission approved a PUD for multiple properties in Squares 5246, 5272, 5279, 5280 and 5281, being the site of the former East Capitol public housing complex plus additional property. The Order approved the construction of a large, HOPE VI community redevelopment project that comprises a total of 226 new residences including: 14 detached houses, 122 new semi-detached dwellings, 62 row dwellings, and 7 grand houses with four units in each building. The redevelopment plan also provides for closing and realigning several existing streets and alleys and creating new streets and alleys. The zoning adopted as part of the PUD is R-5-A.

The Application stated that the requested modification to Zoning Commission Order No. 03-03 was derived from meetings conducted by members of the Applicant's team with representatives of the District Department of Transportation ("DDOT") in conjunction with the street and alley closing and dedication process as well as the building permit process. At those meetings, DDOT officials identified two groups of lots in the site plan where DDOT recommended elimination of curb cuts and driveways because of proximity to two "T" intersections, as opposed to full, four-way intersections. DDOT informed the Applicant that traffic safety necessitates the elimination of curb cuts and driveways within close proximity to such intersections.

Specifically, the two (2) affected intersections are: (1) Ayers Place, S.E. and 56<sup>th</sup> Place, S.E. and (2) 57<sup>th</sup> Street, S.E. and 57<sup>th</sup> Place, S.E. In the first location (Square 5281, Lots 88-91), the curb cuts and associated driveways and garages will be eliminated from four proposed row houses fronting on 56<sup>th</sup> Place.

In the second location (Square 5281, Lots 113-122), the approved site plan amendment eliminates the originally approved driveways located along 57<sup>th</sup> Place that would lead to 14 dwellings (semi-detached and row) fronting on 57<sup>th</sup> Place. However, the Applicant's modified plans provide a new alley segment off an existing alley from 57<sup>th</sup> Street, which will provide access to off-street parking spaces for each house from the rear of the affected lots. Thus, the number of off-street parking spaces provided will be maintained in this location.

The third modification is a reduction of four (4) spaces from the total number of required parking spaces in the PUD. This derives from the first location indicated above, where the elimination of curb cuts results in the elimination of off-street parking spaces as well. This requires an amendment to Condition No. 5 in Order No. 03-03 so as to reduce the number of required parking spaces from 226 to a total of 222 parking spaces resulting from this modification.

There was no opposition to this minor modification request. Advisory Neighborhood Commissions 7C and 7E were served by the Applicant with the requested modification but did not submit written reports. The Office of Planning ("OP") was not requested to and did not submit a written report to the Commission.

On March 14, 2005, at its regular monthly meeting, the Zoning Commission reviewed the application as a Consent Calendar matter and granted approval of the minor modification to the approved PUD. The Zoning Commission concurs with the Applicant that approving the modification is appropriate and not inconsistent with the intent of 11 DCMR §§ 2409.9 and 3030.

The Zoning Commission further concludes 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 Zoning Act.

### **CONCLUSIONS OF LAW**

Upon consideration of the record in this application, the Zoning Commission finds that the proposed modification is minor and consistent with the intent of the previously approved Zoning Commission Order No. 03-03. Further, the Commission concludes 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.

The approval of the modification is not inconsistent with the Comprehensive Plan. Further, the proposed modification resolves important transportation safety matters raised by DDOT while not adversely affecting the site plan. The reduction in off-street parking from 226 to 222 spaces

is very minor, especially considering the numerous on-street as well as off-street parking spaces provided by the PUD plan.

The modifications are minor and consideration as a Consent Calendar item without a public hearing is appropriate.

**DECISION**

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application for a minor modification of an approved PUD. Condition No. 5 of Z.C. Order No. 03-03 is hereby revised to read, "There shall be a minimum of 222 on-site parking spaces plus curbside spaces as depicted in the plans."

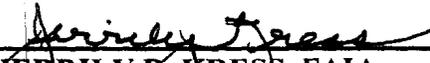
The approved site plan as regards Lots 88-91 and 113-122 in Square 5281 is modified as specified under Findings of Fact of this Order and as indicated in the Applicant's submission.

Pursuant to the intent of 11 DCMR § 2409.3, no building permit shall be issued by the Department of Consumer and Regulatory Affairs (DCRA) for the minor modification until the applicant has recorded a "Notice of Modification" of Zoning Commission Order No. 03-03A in the land records of the District of Columbia. That Notice of Modification shall include true copies of Zoning Commission Order No. 03-03 and this Order (Zoning Commission Order No. 03-03A), which the Director of the Office of Zoning has certified. The recordation of the Notice of Modification shall bind the Applicant and any successors in title to construct on and use the site in accordance with this Order and any amendments thereof by the Zoning Commission.

This application was approved by the Zoning Commission at its public meeting on March 14, 2005, by a vote of 5-0-0 (John G. Parsons, Carol J. Mitten, Anthony J. Hood, Kevin L. Hildebrand and Gregory N. Jeffries).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the D.C. Register; that is, on OCT 28 2005.

  
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CAROL J. MITTEN  
CHAIRMAN  
ZONING COMMISSION

  
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JERRILY R. KRESS, FAIA  
DIRECTOR  
OFFICE OF ZONING

*Government of the District of Columbia*  
**OFFICE OF ZONING**



**Z.C. CASE NO.: 03-03A**

As Secretary to the Zoning Commission, I hereby certify that on OCT 24 2005 copies of this Z.C. Order No. 03-03A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. Cynthia A. Giordano, Esq.  
Arnold & Porter  
555 Twelfth Street, N.W.  
Washington, D.C. 20001
3. Muriel Chambers, Chairman  
ANC 7C  
1027 46<sup>th</sup> Street, NE  
Washington, DC 20019
4. Naomi P. Robinson, Chairman  
ANC 7E  
5001 Hanna Place, S.E.  
Washington, D.C. 20019
5. Thomas S. Alston  
ANC/SMD 7C06  
914 55<sup>th</sup> Street, N.E.  
Washington, D.C. 20019
6. Naomi P. Robinson  
ANC/SMD 7E01  
1131 46<sup>th</sup> Place, S.E.  
Washington, D.C. 20019
7. Johnnie Scott Rice  
ANC/SMD 7E02  
4262 Massachusetts Ave., S.E.  
Washington, D.C. 20019
8. Gottlieb Simon  
ANC  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004
9. Councilmember Vincent C. Gray
10. Office of Planning (Ellen McCarthy)
11. Zoning Administrator
12. Julie Lee  
General Counsel  
941 North Capitol Street, N.E.  
Suite 9400  
Washington, D.C. 20002
13. Ken Laden (DDOT)
14. Office of Attorney General (Alan Bergstein)

ATTESTED BY:

*Sharon S. Schellin*

**Sharon S. Schellin**  
Acting Secretary to the Zoning Commission  
Office of Zoning