

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 05-24A
Z.C. Case No. 05-24A
(Minor Modification to Approved Planned Unit Development for
Eastgate Family Housing)
February 12, 2007

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on February 12, 2007. At the meeting, the Commission approved an application from the District of Columbia Housing Authority and the associated private development team of A & R/THC II LLC (together, the "Applicant") for a minor modification to an approved planned unit development ("PUD") for specified properties bounded by Fitch, 51st and F Streets; Benning Road; and Queen's Stroll Place (Drake Place), S.E. The property is identified as Lots 9-20 in Square 5318, Lots 20-36 in Square 5319, and Lots 29-36 in Square 5320. Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that this modification request was proper before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations (11 DCMR).

FINDINGS OF FACT

By Zoning Commission Order No. 05-24, dated April 20, 2006, the Commission approved a PUD for multiple properties in Squares 5318, 5319, and 5320. The PUD site is a rolling hillside of approximately 698,382 square feet of land, or 16.03 acres. The Order approved the construction of a large community redevelopment project that comprises a total of 186 new residences including: 20 detached houses, 158 row dwellings, and two 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. Forty-three percent (43%) of the units will be in the low-income range, twenty-three percent (23%) will be in the moderate-income range, and thirty-four percent (34%) will be market rate. The PUD site is zoned R-5-A.

The application stated that the requested modifications to Zoning Commission Order No. 05-24 derive from meetings conducted by members of the Applicant's team with representatives of the District Department of Transportation ("DDOT") in conjunction with obtaining building permits. At those meetings, DDOT staff in the public space division objected to a number of locations where driveways would be less than 28 feet apart. The Zoning Commission had approved these driveways utilizing its authority to grant flexibility from the requirements of § 2117.8(d) of the Zoning Regulations, which requires that driveways be located at least 28 feet apart. Prior to the PUD hearing, DDOT had recommended against this condition on the basis that it would decrease on-street parking. However, the Commission approved it over DDOT's objection, based upon

testimony from the Applicant's engineers and transportation expert that the alternative of rear alley access to garage units as recommended by DDOT was infeasible and not favored by the community. The Applicant's experts also demonstrated, with concurrence by the Office Planning ("OP"), that the alternative of shared driveways, also suggested by DDOT, actually decreased available parking to the project, because it eliminated more parking spaces on driveways than it freed on the adjacent streets.

The building permits for the project have been delayed since December 2006 while these meetings and negotiations took place. The Applicant finally concluded that the only feasible means of moving the project forward in a timely way, as required by its lenders and the Department of Housing and Community Development, was to delete the driveways and garages for the remaining affected 35 units. These properties are located along F Street and Queen's Stroll Place, S.E.

The Applicant submitted site plans indicating the removal of the affected driveways and curb cuts and the related relocation of walkways. The application stated that 68 parking spaces are lost as a result of the modification, including garage spaces and driveway spaces in some units, but that 48 parking spaces are gained along the curb. The remaining 151 units in the PUD have off-street parking. At the public hearing on the original application, the Applicant identified 345 parking spaces for the entire site, including garage, parking pad, driveway, and internal on-street spaces. The parking ratio (off- and on-street) for the entire site was thus 1.8 spaces per dwelling unit. The new total, as a result of this PUD modification, will be 277 parking spaces for the entire site (114 garage, 123 driveway, and 40 on-street, internal to the site), for 186 units, a ratio of 1.5 spaces per dwelling unit.

In summary, by removing the curb-cuts, the project only loses one-third of the off-street parking along the affected two streets. That is, 35 homes lose driveways and parking, but 48 spaces are gained curbside, at a ratio of 1.4 spaces per home. As a result, the PUD overall maintains higher than a 1:1 parking ratio.

There was no opposition to this minor modification request. Advisory Neighborhood Commission ("ANC") 7E was served by the Applicant with the requested modification, and the Applicant consulted with ANC Commissioners. The ANC, however, did not submit a written report. OP submitted a report dated February 6, 2007 that recommended approval of the minor modification.

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. 05-24. 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 transportation safety matters raised by DDOT, while not unduly affecting the site plan. The reduction in off-street parking is minor, considering the numerous on-street as well as off-street parking spaces provided by the PUD plan.

The modification is so minor that consideration as a Consent Calendar item without a public hearing is appropriate.

On February 12, 2007, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the minor modification to the approved PUD. The Commission concurs with the Applicant that approving the modification is appropriate and not inconsistent with the intent of 11 DCMR §§ 2409.9 and 3030.

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. 6 of Order No. 05-24 is hereby revised to read:

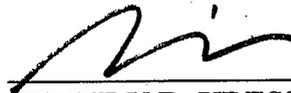
"There shall be a minimum of 277 on-site parking spaces that conform to zoning standards, plus approximately 123 spaces in driveways and 40 curbside spaces as depicted on the plans, for a total of 277 parking spaces."

This modification was **APPROVED** by the Zoning Commission at its public meeting on February 12, 2007, by a vote of 5-0-0 (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries, Michael G. Turnbull, and John G. Parsons to approve.)

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 26 2007.



CAROL J. MITTEN
CHAIRMAN
ZONING COMMISSION



JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



Z.C. CASE NO.: 05-24A

As Secretary to the Commission, I hereby certify that on OCT 22 2007 copies of this Z.C. Order No. 05-24A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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ATTESTED BY:

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