

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 05-28N**

Z.C. Case No. 05-28N

K. Hovnanian Parkside Holdings, LLC

(Parkside Townhomes - PUD Minor Modification @ Square 5041)

September 10, 2015

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public meeting on September 10, 2015, and approved an application from K. Hovnanian Parkside Holdings, LLC (“Applicant”) for a minor modification to an approved planned unit development (“PUD”) for the Parkside Townhomes of the Parkside PUD. The application requested approval for a minor modification of a condition of approval in Z.C. Order Nos. 05-28A and 05-28G concerning the timing of the submission of a building permit application for the property (Square 5041, Lots 852-915) (“Property”).

FINDINGS OF FACT

By Z.C. Order No. 05-28, the Commission approved an application for review and approval of a first-stage PUD and PUD-related Map Amendment for the Property. The first-stage PUD consisted of 15.5 acres of land east of the Anacostia River in Ward 7. The initial Parkside PUD approved 10 “building blocks” consisting of residential, mixed -use, commercial, and retail buildings containing approximately 3,000,000 square feet of gross floor area. Three of these building blocks, Blocks A, B, and C secured second-stage approval in Z.C. Case No. 05-28A. Block A was approved for 98 housing units and Blocks B and C were approved for 112 townhouses. Block A has since been built and is fully operational. The second-stage approval for Blocks B and C was subsequently modified in Z.C. Case No. 05-28G when the number of townhouses was reduced to 100. At the same time, the Applicant clarified that the income restrictions on 42 of the townhomes was applicable only to the first-time purchasers. In Z.C. Case No. 05-28G, the Commission granted a minor modification of the façade design approved for the townhomes on Blocks B and C.

Pursuant to Condition No. 11 of Z.C. Order No. 05-28A and Condition No. C(5) of Z.C. Order No. 05-28G, the Applicant was required to file for building permits for Blocks B and C by July 6, 2015. The Applicant filed applications for the 39 townhomes on Block B prior to July 6, 2015; however, it did not file applications for the 61 townhomes on Block C prior to that date. Accordingly, the Applicant sought approval of a minor modification of the condition to allow an additional six months to file for building permits for the townhomes on Block C.

By letter dated September 2, 2015, the Office of Planning (“OP”) submitted a report in support of the minor modification. OP noted that the modifications were consistent with the Zoning Regulations and Zoning Map and that they were not inconsistent with the initial approval by the Commission.

Pursuant to 11 DCMR § 3030.11, the Director of the Office of Zoning placed the request for a minor modification on the Commission's Consent Agenda for its public meeting of September 10, 2015. At that meeting, the Commission approved the modification as a minor modification.

CONCLUSIONS OF LAW

Upon consideration of the record of this application, the Commission concludes that the Applicant’s proposed modifications are minor and consistent with the intent of the Commission’s prior approvals. The Commission further concludes that the proposed modifications are in the best interest of the District of Columbia and are consistent with the intent and purpose of the Zoning Regulations and Zoning Act.

The approval of the modification is not inconsistent with the Comprehensive Plan. The modification is of such a minor nature that its consideration as a consent calendar item without public hearing is appropriate.

DECISION

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of a minor modification to modify Condition No. 11 of Z.C. Order No. 05-28A to read as follows:

The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 05-28. Within such time, an application must be filed for a building permit for the construction of one of the buildings to be located on Blocks A, B, or C and construction must start within three years of the date of the effective date of this Order. The filing of the building permit application will vest this Order as to the building being constructed. An application for the final building permit completing the development of the PUD approved herein must be filed within 42 months of the date of issuance of the certificate of occupancy of the first building.

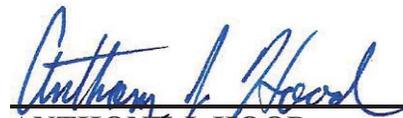
Similarly, Condition No. C(5) of Z.C. Order No. 05-28G shall be modified to read as follows:

The PUD has been vested pursuant to the issuance of Building Permit No. B0905238 and the start of construction on Block A prior to October 3, 2011. An application for the final building permit completing the development of Blocks B and C approved herein must be filed within 42 months of the issuance of the final Certificate of Occupancy of Block A.

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On September 10, 2015, upon the motion of Commissioner Turnbull, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve and adopt; Marcie I. Cohen, not present, not voting).

In accordance with the provisions of 11 DCMR 3028.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on January 15, 2016.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING