

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-21A
Z.C. Case No. 06-21A
(Douglas Development Corporation –
Modification to a Consolidated Planned Unit Development)
September 8, 2008**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on September 8, 2008. At the meeting, the Commission approved an application from Douglas Development Corporation (the "Applicant") requesting a modification to an approved planned unit development ("PUD") at the northwest intersection of 6th and L Streets, N.W., pursuant to Chapter 24 and the Consent Calendar Regulations of Chapter 30 of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. 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

1. Pursuant to Z.C. Order No. 06-21, dated January 8, 2007 (the "Order"), the Commission approved a PUD and related Zoning Map amendment for that certain real property located at the northwest corner of the intersection of 6th and L Streets, N.W. (the "Site"). The Site, which consists of approximately 8,612 square feet in Lots 800, 859, 50, and 51 in Square 449, was approved for a residential development with approximately 20 dwelling units, a maximum density of 2.56 FAR, and a maximum height of 46 feet. Condition No. 4 of the Order requires the PUD to have a minimum of 10 parking spaces.
2. Under Z.C. Case No. 06-21A, the Applicant requested that Condition No. 4 of the Order be modified to reduce the minimum number of parking spaces for the project from 10 parking spaces to nine parking spaces, in order to permit an additional means of ingress and egress for the project as required by the Building Code.
3. The Applicant delivered copies of the Request for Minor Modification to Advisory Neighborhood Commission 2C the only other party to Z.C. Case 06-21. No response was submitted to the Commission by the ANC.

4. On September 8, 2008, 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.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and is consistent with the intent of the previously approved Z. C. Order No. 06-21.

Further, the Commission concludes that its decision is in the best interests of the District of Columbia and is consistent with the intent, purpose, and integrity of the Zoning Regulations and Zoning Map.

The approval of the modification is not inconsistent with the Comprehensive Plan.

The number of parking spaces, the proposed modification does not impact the essential elements of the approved PUD, including use, height, gross floor area, lot occupancy, or setbacks. The modification is minor such that consideration as a Consent Calendar item without public hearing is appropriate.

DECISION

In consideration of the Findings of Fact and Conclusions of Law provided herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application for a minor modification of an approved PUD on Lots 800, 859, 50, and 51 in Square 449, at the northwest corner of the intersection of 6th and L Streets, N.W. As such, notwithstanding the previous site plan approvals for the PUD, the project shall provide a minimum of nine parking spaces, as depicted on Sheet A1.00, prepared by GTM Architects, dated April 12, 2006, and submitted as Exhibit B of the Applicant's Request for Modification.

Condition 4 of Z.C. Order No. 06-21 is modified to read:

4. The PUD shall include a minimum of nine (9) parking spaces.

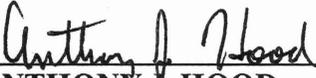
Pursuant to the intent of 11 DCMR 2409.3, no building permit shall be issued by the Department of Consumer and Regulatory Affairs (DCRA) for the minor modification until the Applicant has recorded a "Notice of Modification" of Zoning Commission Order No. 06-21 with the land records of the District of Columbia. That Notice of Modification shall include true copies of Zoning Commission Order No. 06-21 and this order (Zoning Commission Order No. 06-21A), 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.

After recordation of the Notice of Modification, the Applicant shall promptly file a certified copy of that Notice of Modification with the Office of Zoning for the records of the Commission.

On September 8, 2008, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of 5-0-0, (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Jr., Peter G. May, and Michael G. Turnbull 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 APR -3 2009.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



RICHARD S. NERO, JR.
ACTING DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 06-21A

As Secretary to the Commission, I hereby certify that on APR - 6 2009 copies of this Z.C. Order No. 06-21A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | | | |
|----|---|-----|--|
| 1. | <i>D.C. Register</i> | 5. | Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. | Leila M Jackson Batties, Esq.
Holland & Knight
2099 Pennsylvania Avenue, N.W., #100
Washington, D.C. 20006 | 6. | Councilmember Evans |
| 3. | Doris Brooks, Chair
ANC 2C
P.O. Box 26182
Washington, DC 20001 | 7. | Office of Planning (Harriet Tregoning) |
| 4. | Commissioner Doris Brooks
ANC/SMD 2C03
612 Emmanuel court, N.W. #204
Washington, DC 20001 | 8. | DDOT (Karina Ricks) |
| | | 9. | General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| | | 10. | Office of the Attorney General
(Alan Bergstein) |

ATTESTED BY: *Sharon S. Schellin*
Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning