

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 07-27A1\***

**Z.C. Case No. 07-27A**

**Modification of the Consolidated Planned Unit Development and  
Related Zoning Map Amendment for  
EYA, LLC and St. Paul's College  
(Square 3648, Lot 809)  
June 13, 2011**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on June 13, 2011. At the meeting, the Commission approved an application of EYA, LLC (the "Applicant") for a modification to an approved planned unit development ("PUD") for the property consisting of Lot 809 in Square 3648 (the "Property"). 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 (Title 11 DCMR).

**FINDINGS OF FACT**

1. By Z.C. Order No. 07-27A, dated October 2, 2009 (the "PUD Order"), the Commission approved a PUD and related Zoning Map amendment for a new residential townhouse project (the "Project").
2. In this proceeding, the Applicant requested an alteration of Condition 10 in the PUD Order to change the recipient organization for one of the PUD amenities. The proposed change does not impact the nature or amount of the amenity, and it does not affect the overall height, mass, bulk, or design that was originally approved by the Commission. Rather, this is a minor change driven by controversy surrounding the original recipient organization, and it is consistent with the purposes and intent of the PUD.
3. The Applicant served the minor modification request on Advisory Neighborhood Commission ("ANC") 5C, the only other party to the original proceeding. No written report or comments were received from ANC 5C.

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\* The Commission previously issued a corrected order for Z.C. Case No. 07-27, which was assigned Z.C. Order No. 07-27A.

4. On June 13, 2011, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for minor modification to the approved PUD.
5. The Commission finds that the requested modification is of little consequence to the PUD as a whole, and further finds that approval of the modification is appropriate and not inconsistent with its approval of the original PUD.

### **CONCLUSIONS OF LAW**

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and consistent with the intent of the previously approved Z.C. Order No. 07-27A. (11 DCMR § 2409.9.) Furthermore, 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, and is not inconsistent with the Comprehensive Plan.

The Commission also concludes that the modification is of little or no consequence and is therefore appropriate for consideration on the Consent Calendar without a public hearing. (11 DCMR § 3030.2.)

### **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 modification of an approved PUD to allow the change to Condition 10 in the PUD Order, as shown below (emphasis added):

“The Owner shall make a \$55,000 lump sum contribution to the **Community Foundation for the National Capital Region** ~~Ward 5 Business Council~~ to fund and administer no-interest loans for small businesses within ANC 5C on or before the time of the settlement of the first home.”

All other provisions and conditions of Z.C. Order No. 07-27A shall remain in effect.

In furtherance of 11 DCMR § 2409.3, no additional building permits shall be issued by the Department of Consumer and Regulatory Affairs (“DCRA”) until the Applicant has recorded a “Notice of Modification” of Z.C. Order No. 07-27A among the land records of the District of Columbia. The Notice of Modification shall include true copies of Z.C. Order Nos. 07-27A and 07-27A1. The recordation of the Notice of Modification shall bind the Applicant and any successor in title to construct on and use the site in accordance with this Order and any amendments thereof. This minor modification shall be fully vested upon the recordation of the Notice of Modification.

**DECISION**

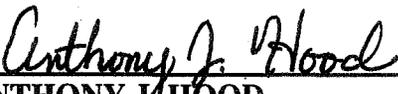
In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of Case No. 07-26A for a two-year time extension of the PUD approval and related map amendment in Zoning Commission Case No. 07-26.

The final PUD and related map amendment approved by the Commission shall be valid until July 18, 2012, within which time an application shall be filed for a building permit, as specified in § 2409.1 of the Zoning Regulations. Construction shall commence no later than July 18, 2013.

For the reasons stated above, the Commission concludes that Applicant has met its burden. It is therefore hereby **ORDERED** that the application be **GRANTED**.

On April 26, 2010, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, William W. Keating, III, Peter G. May, and Michael G. Turnbull to adopt; Konrad W. Schlater, having recused himself, not voting).

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 August 27, 2010.

  
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ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
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JAMISON L. WEINBAUM  
DIRECTOR  
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



Z.C. CASE NO.: 07-26A

As Secretary to the Commission, I hereby certify that on AUG 24 2010 copies of this Z.C. Order No. 07-26A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. Norman M. Glasgow, Jr. Esq.  
Holland & Knight  
2099 Pennsylvania Ave. N.W. #100  
Washington, D.C. 20006
3. ANC 2C  
P.O. Box 26182  
Washington, DC 20001
4. Commissioner Alexander Padro  
ANC/SMD 2C01  
1519 8<sup>th</sup> Street, N.W.  
Washington, DC 20001
5. Gottlieb Simon  
ANC  
1350 Pennsylvania Avenue, N.W.  
Washington D.C. 20004
6. Councilmember Jack Evans
7. DDOT (Karina Ricks)
8. Melinda Bolling, Acting General Counsel  
DCRA  
1100 4<sup>th</sup> Street, S.W.  
Washington, DC 20024
9. Office of the Attorney General (Alan Bergstein)

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "S. S. Schellin", is written over a horizontal line.

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