

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 10-24A**

Z.C. Case No. 10-24A

**Forest City SEFC, LLC on behalf of the United States General Services Administration
(Modification to the Approved Plans (SEFC Overlay Review) @ Square 771, Lot 12)
November 28, 2011**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on November 28, 2011. At the meeting, the Commission approved an application of Forest City SEFC, LLC on behalf of the United States General Services Administration (“Applicant”) for a modification to the approved plans for the property consisting of Lot 12 in Square 771 (“Property”) in the Southeast Federal Center Overlay District (“SEFC Overlay”). 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 Consent Calendar procedures set forth at § 3030 of the Zoning Regulations.

FINDINGS OF FACT

1. By Z.C. Order No. 10-24, dated December 2, 2010, (“Order”), the Commission approved the design and related special exception and variance relief for a mixed-use project containing retail and residential uses in the SEFC Overlay fronting on M Street, S.E. (“Project”).
2. In this proceeding, the Applicant requested minor changes to the approved plans in order to accommodate changes in the lead retail tenant – a grocery store – and refinements made in the course of the development of the final design and the construction drawings. These modifications included changes to the grocery store façade, changes to the retail façade and streetscape design, changes to the exterior of the residential component and roof structure, and changes to the screening of the parking deck. The proposed changes do not impact the overall height, mass, bulk, or design that was originally approved by the Commission. The Applicant served the modification request on Advisory Neighborhood Commission (“ANC”) 6D as well as the Office of Planning (“OP”). ANC 6D filed a report dated November 15, 2011, noting unanimous support for the modification. (Exhibit 8.) OP recommended approval of the modifications through a report dated November 4, 2011. (Exhibit 6.)
3. On November 28, 2011, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for modification to the approved plans.

4. The Commission finds that the requested modification is of little consequence to the approved design as a whole, and further finds that approval of the modification is appropriate and not inconsistent with its original approval.

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. 10-24.

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.

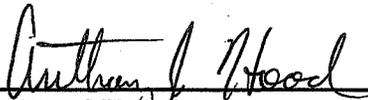
The Commission also concludes that the modification is of little or no consequence, and is therefore appropriate for consideration on the Consent Calendar, without a public hearing as permitted by 11 DCMR § 3030.

DECISION

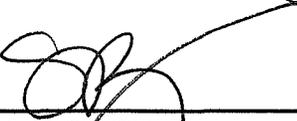
In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification of approved plans to allow the modifications as shown on Exhibit 3 of the record. All other provisions and conditions of Z.C. Order No. 10-24 shall remain in effect.

On November 28, 2011, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, this Order was **ADOPTED** by the Zoning Commission at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Marcie I. Cohen, Michael G. Turnbull, and Peter G. May to adopt).

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 February 10, 2012.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 10-24A

FEB 7 2012

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 10-24A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. Phil Feola and Dave Avitabile, Esqs.
Goulston & Storrs
1999 K Street, N.W. Suite 500
Washington, D.C. 20006
3. ANC 6D
1102 4th Street, S.W. Suite W 130
Washington, D.C. 20024
4. Commissioner Dave Garber
ANC/SMD 6D07
6D07@anc.dc.gov
5. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20024
6. Councilmember Tommy Wells
7. DDOT (Martin Parker)
8. Melinda Bolling, Acting General Counsel
DCRA
1100 4th Street, S.W.
Washington, D.C. 20024
9. Office of the Attorney General (Alan Bergstein)

ATTESTED BY:



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