

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 251

CASE NO. 78-1

February 8, 1979

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on March 30, April 3, April 10, April 24 and May 1, 1978 to consider proposed amendments to the text of the Zoning Regulations. Such amendments proposed to modify requirements for all of the Commercial Districts, as well as the planned unit development process.

Following the lengthy hearings and receipt of large amounts of public testimony, the Commission determined to divide the case into several parts, for the purpose of discussing the matter and arriving at a decision. The Commission held several work sessions and finally determined that the planned unit development process should be revised.

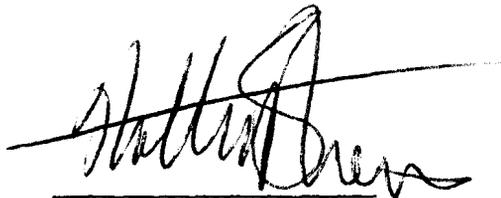
This order is the last of a series of orders relating to the commercial revision case. Order No. 234, dated September 14, 1978, revised the Regulations for the C-3, C-4 and C-5 Districts and the arcade provisions. Order No. 242, dated November 9, 1978, revised the C-1 and C-2 Districts. Order No. 243, dated November 9, 1978, revised Article 54 related to existing uses and structures. Having completed action on Case No. 78-1, the Commission will shortly issue a full statement of reasons setting forth the basis for its decision.

The Commission believes that the proposed amendments are in the best interests of the District of Columbia and are consistent with the intent and purposes of the Zoning Regulations and Zoning Act. The Commission therefore hereby orders that existing Section 7501 of the Zoning Regulations shall be deleted, and shall be replaced by all that text language contained in the document entitled "Revised Planned Unit Development Process," dated January 11, 1979, a copy of which is attached hereto and made a part hereof.

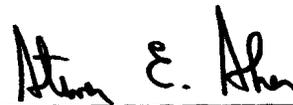
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Vote of the Commission taken at the public meeting held on October 16, 1978 proposing to adopt the Regulations: 5-0 (Ruby B. McZier, George M. White, Walter B. Lewis, Theodore F. Mariani and John G. Parsons to adopt).

Vote of the Commission taken at the public meeting held on January 11, 1979 to amend the proposed Regulations as contained in this order: 4-1 (Ruby B. McZier, George M. White, Walter B. Lewis and Theodore F. Mariani to adopt, John G. Parsons opposed).



WALTER B. LEWIS  
Chairman



STEVEN E. SHER  
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on February 8, 1979 by a vote of 5-0 (John G. Parsons, George M. White, Walter B. Lewis, Ruby B. McZier and Theodore F. Mariani to adopt).

In accordance with Section 3.6 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, the amendments to the Zoning Regulations are effective on 10 FEB 1979.

REVISED PLANNED UNIT DEVELOPMENT PROCESS

January 11, 1979

## ARTICLE 75

### PLAN REVIEW PROCEDURES

Section 7501 - Planned Unit Development for Residential Complexes, Shopping Centers, Mixed Use Developments, Industrial Parks, Institutions and Urban Renewal and Community Development Projects.

#### 7501.1 Purposes

7501.11 The Planned Unit Development (PUD) process is designed to facilitate the development of well-planned residential, institutional, commercial and mixed use developments, industrial parks, urban renewal and community development projects or a combination thereof in any or several zoning districts. Sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities are PUD objectives. Compatibility with city-wide and neighborhood goals, plans and programs and sensitivity to environmental protection, energy conservation and historic preservation objectives of the District of Columbia are goals of this process. It encourages diversification in the use, size, type, design and location of buildings and other structures, improved circulation and siting of facilities, and assurance of adequate standards for protection of the public health, safety, welfare and convenience.

7501.12 While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the planned unit development process shall not be used to circumvent the intent and purposes of the Zoning Regulations, nor to result in action which is inconsistent with the Comprehensive Plan.

7501.13 In approving developments under the PUD process as herein specified, the Zoning Commission has the option to approve incentives, including increases in building heights and densities, to promote flexibility of development. In approving such increases, the Zoning Commission shall consider whether the application:

- A. Conflicts with the development plans and policies of the District of Columbia;
- B. Enhances the neighborhood;
- C. Provides present and/or future occupants of planned unit developments with a living or working environment and amenities superior to those which can be achieved by applying the other provisions of the Zoning Regulations.

7501.14 The Zoning Commission may approve an application for a planned unit development with or without modifications. In carrying out the purposes of this article, the Zoning Commission may establish general guidelines and, in individual cases, set standards and conditions for height and bulk lesser or greater than the guidelines established for the affected districts in this section or elsewhere in these regulations. The Zoning Commission may also set appropriate time limits for benefits conferred under this article to individual applicants in order to assure the construction of a proposed development in accord with the conditions established.

7501.15 Failure of an applicant to complete a proposed development as directed within the time limits set by the Zoning Commission or the Zoning Regulations shall result in the termination of the benefits granted under the application, and reversion of the zoning controls to the pre-existing regulations and map.

#### 7501.2 Area Requirements

7501.21 The total area included within the proposed development, including the area of public streets or alleys proposed to be closed, shall be as follows:

7501.211 A minimum of 15,000 square feet for projects located in any Commercial, CR or SP District.

7501.212 A minimum of three acres for projects located in any Residential or Industrial District, except that in an R-5-D or C-M-3 District, or when not less than seventy-five per cent of the project is in one or more such districts, the area required may be reduced to not less than one acre.

7501.213 A minimum of 20,000 square feet for projects located entirely within a Waterfront District.

7501.22 For a project located in any Residential, Waterfront or Industrial District, when the Zoning Commission with the concurrence of the District of Columbia Office of Planning and Development and after public hearing, finds that an application for a planned unit development is of exceptional merit and in the best interests of the city or the country, then the Zoning Commission may approve said planned unit development in accordance with the requirements and procedures of this section even though the application does not meet the area requirements of this sub-section.

7501.23 All the property included in a planned unit development shall be contiguous, except that such property may be separated only by a public street, alley or right-of-way.

### 7501.3 Types of Applications

7501.31 The planned unit development process is normally a two stage process. The first stage involves a general review of the site for use as a planned unit development, the appropriateness, character, scale, mixture of uses and design of the uses proposed, and the compatibility of the proposed development with city-wide, ward and area plans of the District of Columbia and the other goals of the planned unit development process. The second stage is a detailed site plan review to determine compliance with the intent and purposes of the planned unit development process, the first stage approval and the Zoning Regulations.

7501.32 An applicant may elect to file a single application for consolidated review of a planned unit development, consolidating the reviews into one proceeding.

7501.321 To initiate a consolidated review, an applicant must file all of the material required for both first and second stages, as specified in Paragraphs 7501.56 and 7501.57, at the time of initial filing. The applicant shall also comply with the requirements of Paragraph 7501.55, regarding pre-filing notices.

7501.322 The application shall be processed as if it were a preliminary application. The Zoning Commission shall determine when it considers whether to set the case for hearing whether the application is sufficiently clear and detailed to be considered at one proceeding.

### 7501.4 Development Guidelines

7501.41 For a project located in any Commercial, CR or SP District, the height of buildings and structures shall be as determined by the Zoning Commission in each case. The heights specified in the table below are to be considered as guidelines only. The Commission reserves the option to approve a height greater or lesser than the guideline indicated. The specific height approved by the Commission for a particular planned unit development will depend upon the exact circumstances surrounding the application, including the location and physical characteristics of the property, the nature of surrounding properties, uses and buildings and the design of the proposed project.

To exceed the guidelines indicated, the applicant shall have the burden of demonstrating and justifying the public benefits and other meritorious aspects of the proposal which will result if the additional height is approved.

<u>Zone District</u>	<u>Height</u>
C-1	40 feet
C-2-A	65 feet
SP-1	75 feet
SP-2, C-2-B, C-2-C, C-3-A	90 feet
CR	110 feet
C-3-B, C-4, C-5 (PAD)	130 feet
C-5 (PAD) (where permitted by the Act of 1910 along the north side of Pennsylvania Avenue)	160 feet

7501.42 For a project located in any Residential, Waterfront or Industrial District, no building or structure shall exceed the maximum height permitted in the least restrictive district within the project area. The Zoning Commission may, in its discretion, establish more stringent standards than those set forth herein. For the purposes of this paragraph, the maximum height of buildings and structures in each district may be established as follows:

<u>Zone District</u>	<u>Height</u>
R-1-A, R-1-B, R-2, R-3	40 feet
R-4, R-5-A, W-1, W-2, C-M-1	60 feet
R-5-B, R-5-C, R-5-D, W-3, C-M-2, C-M-3, M	90 feet

7501.43 For a project located in any Commercial, CR, or SP District, the gross floor area of all buildings shall be as determined by the Zoning Commission in each case, and shall be the aggregate of the floor area ratios, as specified in the table below, for the districts included within the project area. The floor area ratios specified are to be considered as guidelines only. The Commission reserves the option to approve a floor area ratio greater or lesser than the guideline indicated. The specific floor area ratio approved by the Commission for a particular planned unit development will depend upon the exact circumstances surrounding the application, including the location and physical characteristics of the property, the nature of surrounding properties, uses, and buildings, and the design of the proposed project. To exceed the guidelines indicated, the applicant shall have the burden of demonstrating and justifying the public benefits and other meritorious aspects of the proposal which will result, if the additional floor area is approved.

<u>Zone District</u>	<u>Floor Area Ratio</u>		
	<u>Residential</u>	<u>Commercial, including Hotels and Motels</u>	<u>Total</u>
SP-1	4.5	3.5	4.5
SP-2	6.5	4.5	6.5
CR	8.0	4.0	8.0
C-1	1.0	1.0	1.0
C-2-A	3.0	2.0	3.0
C-2-B	6.0	2.5	6.0
C-2-C	6.0	2.5	6.0
C-3-A	4.5	3.0	4.5
C-3-B	7.0	7.0	7.0
C-4	10.5	10.5	10.5
C-4 (facing a street at least 110' wide)	11.0	11.0	11.0
C-5 (PAD)	12.0	12.0	12.0

7501.44 For a project located in any Residential, Waterfront or Industrial District, the floor area ratio of all buildings shall not exceed the aggregate of the floor area ratios as permitted in the several districts included within the project area. The Zoning Commission may, in its discretion, establish more stringent standards than those set forth herein. For the purposes of this paragraph, the maximum permitted floor area ratios may be as follows:

<u>Zone District</u>	<u>FAR</u>
R-1-A, R-1-B, R-2	0.4
R-3	0.6
R-4, R-5-A	1.0
R-5-B	3.0
R-5-C	4.0
R-5-D	6.0
W-1	3.0, not more than 1.0 of which may be used for other than residential purposes.
W-2	4.0, not more than 2.0 of which may be used for other than residential purposes.

W-3	6.0, not more than 5.0 of which may be used for other than residential purposes.
C-M-1	3.0
C-M-2	4.0
C-M-3, M	6.0

7501.45 The percentage of lot occupancy, shall be as otherwise prescribed in these Regulations. However, in any Commercial, CR or SP District, the Zoning Commission has the option to approve a lot occupancy greater or lesser than the normal requirement, depending upon the exact circumstances of the particular project.

7501.46 Yards and courts should normally be provided as otherwise prescribed in these Regulations. However, the Zoning Commission has the option to approve yards or courts greater or lesser than the normal requirements, depending upon the exact circumstances of the particular project.

7501.47 Off-street parking spaces and loading berth facilities should normally be provided as otherwise prescribed in these Regulations. However, the Zoning Commission has the option to reduce or increase the amount of such facilities depending on the uses and the location of the project.

## 7501.5 Filing Requirements

7501.51 Each application for a planned unit development shall meet the requirements of this Sub-section before it will be accepted by the Zoning Commission for processing. An application for a planned unit development may be filed in conjunction with a change in zoning for the property involved. No application for a planned unit development shall be processed until such application is complete and all required fees are paid in accordance with the applicable fee schedule.

7501.52 An application for a planned unit development may include property of one or more owners. The owner or owners may be public or private persons, corporations, agencies or other entities.

7501.53 The name, address and signature of all owners, or their authorized agents, of property included in the area to be developed shall be included in the planned unit development application filed.

7501.54 The application shall be filed on such form as may be designated from time to time by the Zoning Commission.

7501.55 At least ten calendar days prior to filing an application under this Section, the applicant shall mail written notice of its intent to file the application to the Advisory Neighborhood Commission within which the property is located, and to the owners of all property within 200 feet of the perimeter of the property in question. The applicant may mail notice to any other person or organization the applicant shall determine as appropriate to receive such notice. Such notice shall generally describe the proposed development, including the name of all owners of the property involved, the use, height, bulk, and other significant aspects of the proposal. The notice shall also indicate the applicant's availability to discuss the proposed development with all interested and affected groups and individuals. At the time of filing the application, the applicant shall certify to whom and in what manner the required notice was given.

7501.56 An application for first-stage approval of a planned unit development shall include the following:

7501.561 A completed application form.

- 7501.562 A map showing the location of the proposed project, the existing zoning for the subject site, zoning of adjacent properties and any proposed change of zoning.
- 7501.563 A statement of the purposes and objectives of the project, including the proposed form of development and including a detailed statement as to the following:
- 7501.5631 The relationship of the proposal to established city-wide and neighborhood goals, plans and programs.
- 7501.5632 The contribution the project makes to environmental protection and energy conservation.
- 7501.5633 The impact of the project on historic preservation objectives of the District of Columbia.
- 7501.5634 The benefits which would accrue which would not be available under existing zoning controls.
- 7501.5635 The manner in which the proposed development standards are designed to protect the public health, safety, welfare and convenience.
- 7501.5636 The impact that the proposed project will have on surrounding uses, buildings and areas.
- 7501.564 A general site, landscape and development plan, indicating the proposed use, location, dimensions, number of stories and height of each building, structure or open area.
- 7501.565 A tabulation of development data showing the following:
- 7501.5651 The area and dimensions of each lot proposed for each building, and the exact area of the total site.
- 7501.5652 The percentage of lot occupancy of each building on each lot and the total percentage of lot occupancy for all buildings on the entire site.
- 7501.5653 The gross floor area and floor area ratio for each building on each lot, including a breakdown for each use, and the total gross floor area and floor area ratio for all buildings on the entire site, including a breakdown for each use.

- 7501.566 A circulation plan, including the location of all vehicular and pedestrian access ways and the location and number of all off-street parking spaces and loading berths, including an indication of which spaces are designated for which use.
- 7501.567 The existing topography of the development area, the location of all major natural features and the location and elevations of public or private streets, alleys or easements bounding or traversing the site, including an indication of which of the rights-of-way or easements are to be continued, relocated or abandoned.
- 7501.568 Estimated quantities of potable water required by the project, and of sanitary sewage and storm water to be generated, including the methods of calculating the same.
- 7501.569 Any other information needed to understand the unique character and problems of developing the specific planned unit development project.
- 7501.57 An application for second-stage approval of a planned unit development shall include the following information:
- 7501.571 A completed application form.
- 7501.572 A detailed statement as to the uses to be located in the project, including the location number, size and types of stores, offices, residential, institutional, industrial and other uses.
- 7501.573 A detailed site plan, showing the location, and external dimensions of all buildings and structures, utilities and other easements, walkways, driveways, plazas, arcades and any other open spaces.
- 7501.574 A detailed landscaping and grading plan, showing all existing contour lines and landscaping to be retained, and all new contours, proposed finished grades, planting and landscaping. Such plan shall also show the proposed drainage for the site, including the location of buildings, roads, sidewalks, water and sewer lines, inlets and basins and connections to public water and sewer lines. Proposed erosion control measures shall also be shown.
- 7501.575 Typical floor plans and architectural elevations for each building, sections for each building and the

project as a whole, and sections and elevations of the entire square within which the project is located.

7501.576 A final detailed circulation plan showing all driveways and walkways, including widths, grades and curb cuts, as well as detailed parking and loading plans.

7501.577 Any other information needed to understand the final design of the proposal, or information specifically requested by the Commission.

7501.578 A statement showing how the second-stage plans are in accordance with the intent and purposes of the Zoning Regulations, the planned unit development process and the first-stage approval.

## 7501.6 Processing of First-Stage PUD Applications

- 7501.61 An application for approval of a planned unit development shall be referred by the Zoning Commission to the Assistant City Administrator for Planning and Development who shall report to the Zoning Commission on whether the application is consistent with the purposes of the planned unit development process, and whether or not a hearing should be held.
- 7501.62 Following the receipt of the report from the Office of Planning and Development, the Zoning Commission shall review the application and determine whether a public hearing shall be granted. An application may be denied without a hearing but no application shall be granted unless a public hearing is held.
- 7501.63 If a public hearing is granted, the Assistant City Administrator for Planning and Development shall coordinate review of the application and prepare an impact assessment of the project which shall include reports in writing from all relevant District departments and agencies including the Department Transportation, Environmental Services, Housing and Community Development and, if a historic district or historic landmark is involved of the State Historic Preservation Officer. The Office of Planning and Development shall report on the following:
- 7501.631 The suitability of the site for use as a planned unit development.
- 7501.632 The appropriateness, character, scale, mixture of uses and design of the uses proposed for the proposed development, and other identifiable public benefits.
- 7501.633 The compatibility of the proposed development with city-wide, ward and area plans of the District of Columbia, and other adopted plans of public bodies for the area of the application, and with the goals of the planned unit development process as specified in Paragraph 7501.11.
- 7501.64 Notice for the public hearing on a planned unit development application shall be given in the same manner as for amendments to the Zoning Map as contained in the Rules of Practice and Procedure of the Zoning Commission. Such hearing shall be conducted as a contested case in accordance with those rules.

7501.65 At the public hearing, the applicant shall:

7501.651 Carry the burden of justifying the proposal. Failure of groups or persons to appear in opposition shall not relieve the applicant of the responsibility of demonstrating the merits of the application.

7501.652 Advise the Commission of the efforts that have been made to apprise the Advisory Neighborhood Commission and other individuals and community groups concerning the proposed development.

7501.66 The Zoning Commission shall either approve, reject or modify the application. The Zoning Commission's first stage approval shall set forth the appropriate zoning classification to apply to the project, and shall state in detail the elements, guidelines and conditions which shall be followed by the applicant in the second-stage application.

7501.67 The first-stage approval shall be valid for a period of one year, unless a longer period is specified by the Commission or unless that period is extended by the Commission. The rights granted under such an approval are conditional, and must be exercised within the specified time limit. Unexercised rights shall lapse at the end of the specified time periods, and the zoning shall revert to pre-existing conditions unless otherwise provided by order of the Zoning Commission.

7501.68 In the case of an application being processed under a consolidated review, the Zoning Commission shall render a final decision on the application after the hearing process. The applicant may file directly for a building permit without filing a subsequent application with the Zoning Commission. The requirements for the filing of that permit application shall be the same as those following approval of the second-stage of the two stage process. At the point at which a decision is made on a consolidated review application, the Commission may also determine that a second review is required, and rather than approving the application in a single step, may grant first-stage approval only and require that the applicant file additional plans for final approval.

7501.7 Processing of Second-Stage PUD Applications

- 7501.71 In accordance with the requirements of Paragraphs 7501.57, 7501.66 and 7501.67 the applicant may file an application for final approval of the planned unit development. The application shall be filed on such form as may be designated from time to time by the Zoning Commission.
- 7501.72 The Zoning Commission shall review the application, and if it determines that the application complies with all of the requirements of the first-stage approval, shall schedule a public hearing on the second-stage application. It is the intention of the Commission that any final application which is substantially in accordance with the elements, guidelines and conditions of the prehearing approval shall be granted a hearing.
- 7501.73 The Zoning Commission shall submit the application to the Assistant City Administrator for Planning and Development for coordination review, report and impact assessment of the final design, to include reports in writing from all relevant district agencies and departments including the Department of Transportation, Environmental Services, Housing and Community Development and if a historic district or historic landmark is involved, of the State Historic Preservation Officer.
- 7501.74 Notice for the public hearing shall be given in the same manner as for amendments to the Zoning Map as contained in the Rules of Practice and Procedure of the Zoning Commission of the District of Columbia. Such hearing shall be conducted as a contested case in accordance with those rules.
- 7501.75 If the Zoning Commission finds the application to be in accordance with the intent and purpose of the Zoning Regulations, the planned unit development process and the preliminary approval, the Commission shall grant final approval to the application, including such guidelines, conditions and standards as are necessary to carry out the decision of the Commission. In granting final approval, the Commission may specify that the project be built in stages and shall specify the timing of such stages.
- 7501.76 The final planned unit development approved by the Zoning Commission shall be valid for a period of two years, within which time, application must be filed for a building permit, as specified in Paragraph 7501.81. Construction shall start within three years of the date of final approval. The Commission may extend those periods for good cause shown upon proper request of the application before the expiration of the approval. If no application for permit is filed, construction has not started within the period specified or no

- 7501.841 A change not to exceed two per cent in the height, percentage of lot occupancy or gross floor area of any building.
- 7501.842 A change not to exceed two per cent in the number of residential units, hotel rooms, institutional rooms or gross floor area to be used for commercial or accessory uses.
- 7501.843 A change not to exceed two per cent in the number of parking or loading spaces.
- 7501.844 The relocation of any building within five feet of its approved location, in order to retain flexibility of design or for reasons of unforeseen subsoil conditions or adverse topography.
- 7501.85 In reviewing and approving any requested modifications, the Chief of the Zoning Regulations Division shall determine that the proposed modification is consistent with the intent of the Zoning Commission in approving the planned unit development.
- 7501.86 Following its approval of any such modifications, the Zoning Regulations Division shall report to the Zoning Commission the modification approved under this sub-section.
- 7501.87 Any modifications proposed to an approved planned unit development which cannot be approved by the Zoning Regulations Division must be submitted to and approved by the Zoning Commission. Such modification shall meet the requirements for and be processed as a second-stage application.
- 7501.9 Effect on Pending Applications
- 7501.91 These regulations will apply to all applications for planned unit developments filed after the effective date of this revised section.
- 7501.92 A planned unit development which has already received preliminary approval or for which an application was filed before the effective date of this section may continue to be processed to completion in accordance with the regulations in effect at the time of filing, or may be processed in accordance with this revised section at the option of the applicant with the approval of the Zoning Commission.

extension is granted, the approval shall expire, the zoning shall revert to the pre-existing regulations and maps and the approval shall not be reinstated unless a new application is filed.

7501.77 A change of zoning approved in conjunction with a planned unit development shall not become effective until the covenant required is Sub-paragraph 7501.812 has been recorded.

#### 7501.8 Implementation

7501.81 Following approval of an application by the Zoning Commission, the applicant may file an application for a building permit with the proper authorities of the District of Columbia. The Zoning Regulations Division of the Department of Housing and Community Development shall not approve such a permit application unless:

7501.811 The plans conform in all respects to the plans approved by the Zoning Commission, as those plans may have been modified by any guidelines, conditions or standards which the Zoning Commission may have applied.

7501.812 The applicant has recorded a covenant in the land records of the District of Columbia, between the owner or owners and the District of Columbia, satisfactory to the Office of the Corporation Counsel and the Zoning Regulations Division, which covenant will bind the owner and all successors in title to construct on and use the property only in accordance with the adopted orders or amendments thereof of the Zoning Commission.

7501.82 Following the recordation of the covenant, the boundaries of the planned unit development shall be designated on the Zoning Map.

7501.83 The orders of the Zoning Commission issued in accordance with the provisions of this Section 7501 shall have all the force of the Zoning Regulations and violations shall be prosecuted in accordance with the provisions of Section 8105.

7501.84 The Chief of the Zoning Regulations Division of the Department of Housing and Community Development shall have the authority to approve minor modifications in the final plans as approved by the Zoning Commission, except where specifically limited by the Commission. Such modifications shall be limited to: