

Government of the District of Columbia

ZONING COMMISSION



Zoning Commission Order No. 443
Case No. 84-16M/82-11C
December 10, 1984
(Modification to a Planned Unit Development at
26th and K Streets, N.W.)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on November 19, 1984. At that hearing, the Zoning Commission considered an application from K/26 Partnership for approval of a modification to a planned unit development (PUD), pursuant to Section 7501 of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The subject property is located on the southeast corner of the intersection of 26th and K Streets, N.W., and consists of Lot 104 in Square 16.
2. The subject property is rectangular in shape and has a frontage of 109 feet on K Street and 142.92 feet on 26th Street.
3. By Order No. 398, dated May 16, 1983, the Zoning Commission approved an application for consolidated review and approval of a planned unit development on the subject property. That order also rezoned a portion of the property from R-5-B to R-5-D. Order No. 398 became effective on June 10, 1983. The entire property is now zoned R-5-D.
4. Order No. 398 contained thirteen guidelines, conditions and standards upon the approval.
5. The approval granted by Order No. 398 allows for the construction of an apartment house having a maximum height of eighty-nine feet and a maximum floor area ratio of 5.36. The applicants has begun construction of the apartment house. As of the date of the hearing, concrete had been poured for the sixth floor and work was about to commence on the seventh floor.

6. Condition No. 4 of Order No. 398 contained a limitation on the number of units in the building, as follows:

The site shall be developed with a residential apartment building in accordance with the plans on file as modified and approved by the Commission. The development shall contain a maximum of 101 units. Some of the units may be combined to reduce the total number of units and make larger units. The option to combine units is limited to a reduction in the unit count to a minimum of eighty-seven units. Thus, the total number of units in the building shall be between eighty-seven and 101 units.

7. The subject application requests a modification to Condition No 4, to allow the minimum number of units to be reduced from eighty-seven to seventy.
8. The subject apartment building is being developed as a condominium. The original plans for the building showed 101 dwelling units. At the time of the public hearing, eighteen of those units were committed to prospective purchasers. Of those commitments, fourteen were for units to be combined into larger units. One combination unit included four original units plus one for expansion. Another includes three original units plus one for expansion. A three unit combination and a two-unit combination have also been committed.
9. The purpose of the modification to the PUD is to allow the applicant to continue to combine a number of smaller units into larger units, in response to market demand. The resulting combination units could range in size from approximately 1,800 square feet to 4,000 square feet.
10. The total gross floor area of the building would remain unchanged. The exterior design of the building would remain unchanged. The reduction in the total number of units increases the average floor area per unit.
11. The reduction in the number of units would reduce the number of families in the building, and would reduce the impact of the building in terms of traffic, noise, and other external impacts. The number of parking spaces in the building would remain at seventy.
12. The reduction in the minimum number of units would still leave a variety of unit sizes at different sales prices in the building. There are studio and one-bedroom units as designed that would not practically or economically be combined with other units.

13. The Office of Planning, by memorandum dated November 7, 1984, and by testimony at the hearing, recommended that the application be approved. The Office of Planning was of the opinion that the request for modification represents a refinement that is within the spirit and intent of Order No. 398. Such aspects of the development as bulk, height, landscaping and parking would remain unchanged, and the project would remain exclusively as an apartment building. The Commission concurs with the findings and recommendations of the Office of Planning.
14. Advisory Neighborhood Commission 2A, by resolution dated September 12, 1984, urged the Zoning Commission to approve a reduction in the minimum number of units in the project. The ANC noted that one of its concerns when the project was originally proposed was to assure that there were appropriate controls on the maximum number of units allowed. Since the subject application proposes no change in the maximum number of units and proposes to decrease the density of units, the ANC supported the proposal. The Commission concurs with the recommendations of the ANC.
15. There was no opposition to the application at the public hearing or in the record.
16. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC reported that the proposed modification to the planned unit development would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The subject application is properly processed as a modification to the previously approved PUD.
2. The Planned Unit Development process is an appropriate means of controlling development at the subject site.
3. Approval of this application to modify an approved PUD is appropriate because it would reinforce the intent of the original PUD approval and would result in a project that is consistent with the present character of the area and because it would encourage stability of the area.
4. The approval of the application would promote orderly development in conformity with the District of Columbia

Zone Plan as embodied in the Zoning Regulations and Map of the District of Columbia.

5. The application can be approved with conditions which would ensure that development would not have an adverse affect on the surrounding area.
6. The Commission takes note of the position of Advisory Neighborhood Commission 2A and in its decision has accorded to the ANC the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of the application, and amends Condition No. 4 of Zoning Commission Order No. 398 to read as follows:

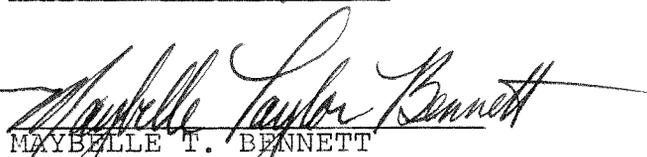
The site shall be developed with a residential apartment building in accordance with the plans on file as modified and approved by the Commission. The development shall contain a maximum of 101 units. Some of the units may be combined to reduce the total number of units and make larger units. The option to combine units is limited to a reduction in the unit count to a minimum of seventy units. Thus, the total number of units in the building shall be between seventy and 101.

Vote of the Commission at the public meeting of November 19, 1984: 3-0 (George M. White, Patricia N. Mathews and Lindsley Williams to approve the modification - John G. Parsons and Maybelle Taylor Bennett not present, not voting).

This order was adopted by the Zoning Commission at its public meeting held on December 10, 1984 by a vote of 3-0 (Patricia N. Mathews and Lindsley Williams, to adopt and George M. White, to adopt by absentee vote - Maybelle T. Bennett and John G. Parsons, not voting not having participated in the case.

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this amendment to Z.C. Order No. 398 is effective upon publication in the D.C. Register, specifically on

28 DEC 1984



MAYBELLE T. BENNETT
Chairperson
Zoning Commission
zcorder443/BJW6



STEVEN E. SHER
Executive Director
Zoning Secretariat