

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 474
case No. 84-19C
(B & W Garage - PUD)
October 7, 1985

(CLARIFICATION OF ORDER)

On April 8, 1985, the District of Columbia Zoning Commission (Z.C.), by Z.C. Order No. 453 granted a consolidated Planned Unit Development (PUD) for lot 834 in Square 24 located at 1250 24th Street, N.W. Z.C. Order No. 453 became final and effective on May 3, 1985, pursuant to Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia.

The approval of the PUD was subject to development guidelines, conditions, and standards.

Condition No. 2 states that, "the planned unit development shall be developed in accordance with the plans prepared by the architectural firm of Don M. Hisaka and Associates, marked as Exhibit No. 19B and 47 of the record, as modified by the guidelines, conditions and standards of this order." Condition No. 9 states that, "The percentage of lot occupancy shall not exceed sixty-three percent."

On October 3, 1985, the applicant filed a motion for reconsideration of Condition No. 9 and a request of the Zoning Commission to waive its Rules of Practice and Procedure to permit the reconsideration of Z.C. Order No. 453 beyond the ten-day reconsideration period.

The motion explained that, because of a computation error made by the architect for the applicants, the computed maximum lot occupancy was stated and identified as sixty-three percent. However, the plans that were approved by the Zoning Commission in Z.C. Order No. 453 show the lot occupancy as exceeding sixty-three percent. The applicants indicated that it was their intent during the case proceedings to represent a lot occupancy that was reflected in and consistent with the plans. Because of the problem, the applicants are unable to secure a permit to build until the discrepancy is resolved. No change in the plans is requested in the motion of the applicants.

on October 7, 1985, at the regular monthly meeting of the Zoning Commission, the Acting Executive Director of the Zoning Secretariat stated that in his opinion, the matter was not properly before the Commission. The Acting Executive Director indicated that, pursuant to Section 4.6 of the Rules, the reconsideration period for Z.C. Order No. 453 had expired. Consequently, to allow for further consideration of Z.C. Order No. 453, via a waiver of the Rules, could create the potential for abuse of the zoning process. The Acting Executive Director further indicated that Paragraph 7501.87 should govern in this matter; stating that, "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."

Advisory Neighborhood Commission 2A, by letter dated October 4, 1985, indicated that it has no objections to the Motion of Reconsideration of the applicants. ANC-2A considers the matter to be a technical correction of Z.C. Order No. 453 to conform to the approved plans.

The Boston Properties, party in the proceeding, by letter dated October 3, 1985, have no objections to the Commission correcting Z.C. Order No. 453 to accurately reflect the percentage of lot occupancy shown on the approved plans.

As to the concerns of the Acting Executive Director of the Zoning Secretariat, the Commission takes no action on the motion of the applicants to waive the Rules of Practice and Procedure to extend the period of reconsideration. The Commission has determined that the discrepancy associated herewith does not require a modification to the approved PUD plans. The Commission, however, believes that a clarification of its intent regarding lot occupancy is in order.

As to the issue of lot occupancy in Z.C. Order No. 453, it is the intent of the Zoning Commission that the approved plans and Condition No. 9 be consistent. The Commission notes that the approved plans depicting a footprint of the proposed office building in relationship to the boundary of the lot, was acceptable to the Commission. The Commission further notes that the maximum lot occupancy in the CR Zone District, the zone district in which the PUD project is located, is one-hundred percent as a matter-of-right,

The Zoning Commission believes that a clarification of its intent in Z.C. Order No. 453 regarding lot occupancy is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act.

In consideration of the reasons set forth herein, the Zoning Commission of the District of Columbia hereby orders CLARIFICATION of its intent in Z.C. Order No. 453 regarding lot

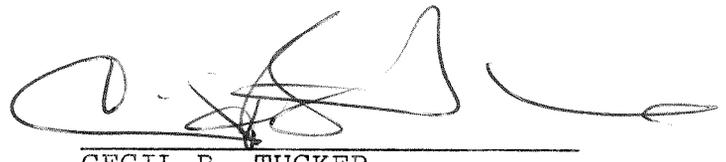
occupancy, The Commission orders that the Condition No. 9 of Z.C. Order No. 453 be consistent with the approved plans, marked as Exhibits No. 19B and 47 of the case record.

Vote of the Zoning Commission taken at the public meeting on October 7, 1985: 3-0 (John G. Parsons, George M. White, and Lindsley Williams, to clarify - Maybelle T. Bennett and Patricia N. Mathews, not present not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedures before the Zoning Commission of the District of Columbia, this order is final and effective upon publication. in the D.C. Register, specifically on 18 OCT 1985.



MAYBELLE T. BENNETT
Chairperson
Zoning Commission



CECIL B. TUCKER
Acting Executive Director
Zoning Secretariat

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Revised 10/18/85