

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 494-D

Case No. 97-11M/91-11M/85-18C

(PUD Modification - One Judiciary Square)

December 14, 1998

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia was held on October 19, 1998. At the meeting, the Zoning Commission approved an application from the District of Columbia Financial Authority, on behalf of the District of Columbia Children's Advocacy Center, for a minor modification to an approved planned unit development (PUD) for property at premises 441 4th Street, N.W., pursuant to Chapter 24 and the Consent Calendar Regulations of Chapter 30 of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. Because the modifications were deemed minor, a public hearing was not conducted.

The Commission determined that this modification request is properly before it under the provisions of Sections 2409.9 and 3030 of the Zoning Regulations

FINDINGS OF FACT

By Z.C. Order No. 494, dated July 14, 1986, the Zoning Commission for the District of Columbia granted approval of a consolidated planned unit development (PUD) and related amendment to the Zoning Map from unzoned property to C-3 for all of Square 532. Z.C. Order No. 494 became final and effective on August 1, 1986.

The subject square is bounded by 3rd, 4th, D, and E Streets, N.W. and measures 76,452 square feet in land area. The PUD allowed for the construction of an office building with the flexibility of some first floor retail uses. The PUD project, which has been constructed, does not exceed a height of 120 feet, a floor area ratio of 7.3, nor a lot occupancy of 78 percent. Underground parking is provided for approximately 482-489 vehicles.

On July 11, 1991, the Government of the District of Columbia purchased the PUD building to be used as temporary offices of the Mayor, the City Council and many other agencies until the renovation of the John A. Wilson Building is completed.

By Order No. 494-A, dated October 21, 1991, the Zoning Commission approved a modification to the PUD that would allow changes to three of the conditions approved in Order No. 494. The Commission allowed for below-grade service and retail uses, the flexibility for the location of the required mural within the building, and signage on 4th

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Street to identify the structure as a municipal building, with other signage on 4th Street to identify retail users, they being subject to Zoning Commission final approval.

By Z.C. Order No. 494-B, dated September 23, 1997, the Commission approved a modification to the PUD that would allow a change to condition No. 14 that was previously approved in Order No. 494 and modified in Order No. 494-A. The Commission allowed the use of escrow funds for artwork to be used to establish the D.C. Children's Advocacy Center (CAC) at the PUD site. Order No. 494-B was rendered moot by Order No. 494-C. Accordingly, Order No. 494-B was never published.

By Z.C. Order No. 494-C, dated September 25, 1997, the Commission approved a modification to the PUD that corrected Order No. 494-B. On September 24, 1997, the Office of Zoning received correspondence from the 441 Fourth Street Limited Partnership indicating Order No. 494-B cited the wrong condition for modification. The letter indicated that the funds related to Condition No. 14 had already been spent on artwork at the PUD site, and that the modification request should have been for the escrowed funds related to Condition No. 12.

The Commission received a memorandum from the Director of the Department of Administrative Services requesting that the Commission correct its action in this matter by approving a modification to Condition No. 12 to allow for the escrowed funds to be released for use by the D.C. Children's Advocacy Center.

At a special public meeting on September 25, 1997, the Commission took proposed action to approve the request for modification of Condition No. 12 of the PUD. The modification will allow \$100,000 of the escrowed funds for improvements to the park across 4th Street from the PUD site to be released to CAC.

On September 22, 1998, the Office of Zoning received correspondence from the District of Columbia Financial Authority, on behalf of the District of Columbia Children's Advocacy Center, requesting the release of the escrowed funds in the amount of \$15514.08 to be used to establish a facility maintenance fund. Originally, the funds were to be used for improvement to the park across from the PUD site on 4th Street N.W.

Advisory Neighborhood Commission (ANC) 6-C did not provide any comments on the requested modification. Although no ANC report was filed, the Commission finds that ANC 6-C will not be adversely affected by its action on the amended application for modification.

On October 19, 1998, at its regular monthly meeting, the Zoning Commission reviewed the application as a Consent Calendar matter and took proposed action to approve the minor modification.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Zoning Commission concludes the proposed modifications are minor and are consistent with the intent of the previously approved Zoning Commission Order No. 494-C. Further: the Commission believes 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 the Zoning Act.

The Zoning Commission concurs with the applicant in that the approval of the minor modification is appropriate and is not inconsistent with the intent of 11 DCMR 2409.9 and 3030.

The approval of this minor modification is not inconsistent with the Comprehensive Plan for the National Capital.

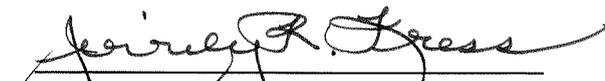
The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter of right development.

DECISION

Vote of the Zoning Commission taken at its public meeting on October 19, 1998, by a vote of 5-O: (John G. Parsons, Jerrily R. Kress, Herbert M. Franklin, Angel F. Clarens and Anthony J. Hood), **ORDERS APPROVAL** of the application for a minor modification of an approved PUD for 44 1 4" Street, N. W.

This order was adopted by the Zoning Commission at its public meeting on December 14, 1998, by a vote of 5-O: (John G. Parsons, Jerrily R. Kress, Herbert M. Franklin, Angel F. Clarens and Anthony J. Hood),

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 JAN 8 1999.



JERRILY R. KRESS, FAIA
Chairperson
Zoning Commission



SHERI M. PRUITT-WILLIAMS
Interim Director
Office of Zoning