

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 513-S/644-B
Case No. 91-12M/85-3C/89-7C
(PUD Modifications @ 12th, I & K Sts., N.W.)
September 14, 1992

By Z.C. Order No. 513-Q/644-A dated May 11, 1992, the Zoning Commission for the District of Columbia approved the application of Franklin Plaza Limited Partnership and 1215 I Street Associates Limited Partnership for a modification of two previously approved planned unit developments (PUD). The approval was for Lots 48 and 49 in Square 285, and for the use of air space over the public alley between the two PUD sites.

The two PUD sites are located on the west side of 12th Street between I and K Streets, N.W. Lot 48 is unimproved and has the address of 1215 I Street, N.W. Lot 49 is improved with a 130-foot office/retail building and has the address of 1200 K Street, N.W.

Z.C. Order No. 513-Q/644-A provides for minor modifications to the two PUD projects, as well as the construction of a multi-story connecting bridge that will link the two PUD projects and, for zoning purposes, will render the two projects as a single building.

Pursuant to 11 DCMR 3028.8, Z.C. Order No. 513-Q/644-A became final and effective on June 26, 1992.

Pursuant to 11 DCMR 3029.5, the Services Employees International Union (SEIU), a party in opposition to the application, by letter dated July 6, 1992, filed a motion for reconsideration of Z.C. Order No. 513-Q/644-A. The SEIU motion identified the following grounds for reconsideration:

1. The Commission's order is inconsistent with the Comprehensive Plan for the National Capital;
2. The Zoning Commission acted arbitrarily in approving the proposed air bridge over a public alley;
 - a. The Commission's decision establishes the precedent of bridging alleys without regard to whether the applicant's proposal would alleviate the detrimental impact of such action.

- b. The Zoning Commission should issue rules governing the approval of air bridges over public alleys before approving such proposals.
3. The Commission should have required additional amenities in exchange for approval of the proposed modifications; and
4. The order would allow the applicants to violate laws regulating the height of buildings in the District.

The Office of Zoning did not receive responses to the SEIU motion for reconsideration from the other parties.

On August 3, 1992 at its regular monthly meeting, the Zoning Commission considered the SEIU motion for reconsideration and a memorandum dated July 30, 1992 from the Acting Director of the Office of Zoning (OZ), which recommended that the Commission deny the motion for reconsideration.

The OZ memorandum stated the following rationale:

"This motion for reconsideration brings up the same issues that the moving party brought up during the hearing process in this case. The Commission provided adequate time and consideration to these issues prior to making its decision in this case. This motion does not provide adequate grounds for the Commission to vacate its order and deny the application."

The Commission concurs with the recommendation of the Acting Director of the Office of Zoning and believes that no issues were raised in the SEIU motion for reconsideration that were not already addressed in this case.

The Commission further believes that denial of this motion for reconsideration 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 for the District of Columbia hereby orders that the SEIU motion for reconsideration be **DENIED**.

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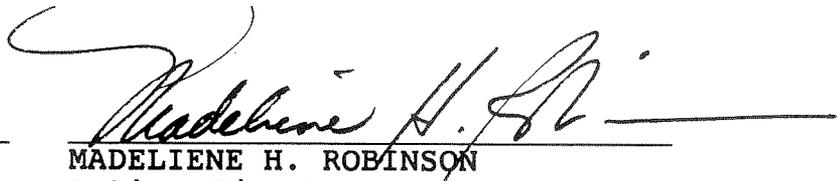
Vote of the Zoning Commission taken at the public meeting on August 3, 1992: 4-0 (Maybelle Taylor Bennett, William L. Ensign and Tersh Boasberg, to deny the motion for reconsideration and John G. Parsons, to deny by absentee vote - Lloyd D. Smith, not present, not voting).

This order was adopted by the Zoning Commission at the public meeting on September 14, 1992 by a vote of 4-0 (Maybelle Taylor Bennett, John G. Parsons, William L. Ensign and Tersh Boasberg, to adopt - Lloyd D. Smith, not present, not voting).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on OCT - 2 1992.



TERSHER BOASBERG
Chairman
Zoning commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning

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