Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 553
Case No. 87-24M/85-5C
(PUD Modification - Mayfair House)
December 3, 1987

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on August 6, 1987. At that hearing, the Zoning Commission considered the application of ESP Associates Limited Partnership, Atlantic Garage, Inc., and Irwin P. Edlavitch, pursuant to sections 2404.12 and 2407.9 of Title 11, District of Columbia Regulations (DCMR), "Zoning." The public hearing was conducted pursuant to the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1 The application was filed on May 27, 1987, and requested modification of Zoning Commission Order No 483.

2. Z.C. Order No. 483 approved a consolidated planned unit development (PUD) and amendment of the zoning map from R-5-D to C-3-C for lots 44, 69, 57-59, 827-829, 851, 859, and 864-868 in Square 73.

3 Order No. 483 authorized the construction of an eleven-story apartment building containing up to 160 rental apartments, a restaurant, lounge, and other commercial/retail space on the first floor, and a two-level underground parking garage with at least 66 spaces.

4 The applicant requests the following modifications to conditions numbered 2(b), 5, 11, and 14: increase the number of parking spaces from 66 to 97 by adding a third level to the underground parking garage; permit additional appropriate commercial uses as alternative uses of the area which Order No. 483 required to be used as a restaurant or lounge; amend the landscape plan to accommodate the location of the electrical transformer vault in public space adjacent to L Street; and modify the design of the roof-top recreation area.

5. No changes are proposed in the residential use, amount of commercial floor area, height, FAR, lot occupancy, amount of recreation space, or building design or materials.

6. Applicants have executed a covenant with Advisory Neighborhood Commission ("ANC") 2A and several individuals, which covenant limits the uses to be established in the PUD project, and governs trash removal, vehicle access, and noise control. ANC 2A did not submit a written statement of issues and concerns or participate by appearing at the hearing.

7. The requested modification of the landscape plan is reasonably necessary to accommodate PEPCO, and will not detract from the overall quality of the landscaping.

8 The additional parking which is proposed is reasonable, if construction is managed so as to avoid adverse impact on adjacent structures.

9 The proposed changes to the roof-top recreation area are minor, and will not detract from its quality, nor have any adverse impact on neighboring property.

10. A limited number of retail and service uses may reasonably be allowed as alternatives to the restaurant, to give the applicants flexibility in use of the ground floor area, and remain consistent with the residential use of the PUD project and with the residential orientation of the area.

11. The Office of Planning recommended that the application be approved, on the ground that the proposed modifications are minor in nature, reasonably justified, and will not impair the intent of the original approval.

12. Insofar as opposition to the proposed modifications was based upon grounds which are cognizable in this proceeding, opposition to the application was directed to potential damage during construction, and to problems with vermin. There was no opposition to the proposed modifications in and of themselves.

13. The impact of construction on adjacent structures is primarily regulated by the District of Columbia Building Code. In addition, the applicants have proposed reasonable additional efforts to protect adjacent property from vermin and construction damage.

14. The proposed action of the Zoning Commission to approve the modification was referred to the National Capital Planning Commission ("NCPC"), as provided for in the

District of Columbia Self-Government and Governmental Reorganization Act. By report dated November 20, 1987, NCPC found that the proposed amendments to Zoning Commission Order No. 483 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 application is properly processed as a modification to the previously approved PUD.

2. The modified development of this PUD would carry out the purposes of 11 DCMR 2400.

3. Approval of the proposed modifications would be consistent with the purposes of the Zoning Act (Act of June 20, 1938, 52 Stat. 797), by furthering the general public welfare and serving to stabilize and improve the area.

4. Approval of the proposed modifications is not inconsistent with the Comprehensive Plan for the National Capital.

5. The proposed modifications can be approved with conditions which insure that development will not have an adverse effect on the surrounding community.

6 The approval of the modified PUD would promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the text and maps of the Zoning Regulations of the District of Columbia.

7. The approved modifications are fully consistent with the spirit and intent of Z.C. Order No. 483.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders that the modifications to the PUD are approved, and that Z.C. Order No. 483 be amended as follows:

1. The PUD shall be developed in accordance with the plans prepared by CHK Architects and Planners dated June 11, 1987 and marked as Exhibit No. 17 of this record. Condition numbered 1 and all others are amended to reference Exhibit No. 17, in lieu of Exhibit No. 102(b).

2. Condition numbered 2(b) is amended to add the following as uses which are permitted:

   Art gallery, barber or beauty shop, shoe repair shop, shoe shine parlor, dressmaking shop, tailor or valet shop, laundry or dry cleaning establishment, locksmith, optician and optometrist, watch repair shop, bakery, bookstore, camera or photographic supply store, cosmetics or toiletry store, drug store or pharmacy, florist shop, food or grocery store (including gourmet deli) restaurant other than fast food restaurant, gift shop, hardware store, jewelry store, music store, including the sale of musical instruments, newsstand, antique store, film exchange, bank or other financial institution, picture framing shop, stationery store, hobby shop, art supply store, bicycle sales and repair, or variety store;

3. Parking spaces shall be provided on three levels in an underground garage, as indicated in Exhibit No. 17, Sheets 5, 5A and 6. Not less than 97 on-site parking spaces shall be provided. A bike stand shall be provided. Parking for vans shall not be provided in the garage.

4. The trash dumpster shall be located and screened as shown in Exhibit No. 17, Sheet 9. The entrance to the enclosure shall include an opaque gate.

5. The PUD as modified and approved by this Order shall be valid for a period of two years from the effective date of this Order. Within such time, application must be filed for a building permit, as specified in 11 DCMR 2406.8 (1987). Construction shall start within three years of the effective date of this Order.

Vote of the Commission taken at the public meeting on September 21, 1987: 4-0 (Maybelle T. Bennett, Patricia N. Mathews, Lindsley Williams and John G. Parsons to approve; George M. White, not voting, not having heard the case).

This order was adopted by the Commission at the public meeting on December 3, 1987, by a vote of 4-0 (Maybelle T. Bennett, John G. Parsons, and Lindsley Williams to approve; Patricia N. Mathews to approve by proxy; and George M. White not voting, not having heard the case).

In accordance with 11 DCMR 3028, this Order is final and effective upon publication in the D.C. Register, that is, on 08 JAN 1988.

LINDSLEY WILLIAMS
Chairman
Zoning Commission

EDWARD L. CURRY
Executive Director
Zoning Secretariat

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