

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 586-A
Case No. 88-2C
(PUD Modification @ 2401 Pa. Ave., N.W. - aka Wynmark)
March 13, 1989

By Z.C. Order No. 586 dated August 8, 1988, the Zoning Commission for the District of Columbia approved an application of the Wynmark Development Corp. for consolidated review and approval of a Planned Unit Development (PUD), pursuant to the provisions of section 2400 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The PUD approval was for an eight (8) story mixed-use building containing retail, office, and residential uses. The ground floor would be devoted to retail uses, the second through fourth floors would be devoted to office uses, and the fifth through eight floors would be devoted to residential uses.

The project would be developed to a maximum floor area ratio (FAR) of 7.66, a maximum lot occupancy of 97% for residential uses and 100% for commercial uses, a maximum height of ninety-two (92) feet, and on-site parking to accommodate 140 cars.

Pursuant to 11 DCMR 3028, Z.C. Order No. 586 became final and effective upon publication in the D.C. Register on September 16, 1988. 11 DCMR 3029.5, in part, requires that a party in a proceeding file its motion for reconsideration no more than ten (10) days after an order becomes effective. Counsel for the applicant, by letter dated January 17, 1989, filed a motion for reconsideration of Z.C. Order No. 586.

The motion for reconsideration requested the Zoning Commission to waive its rules of practice and procedure to allow for consideration of the substance of the motion. The motion requested the Zoning Commission to grant approval to the following modifications to Z.C. Order No. 586:

1. The applicant proposes twenty-seven (27) additional parking spaces (167 total) on an additional partial level of below-grade parking;

2. The applicant proposes to consolidate the two vertical rows of balconies shown on the 24th Street elevation of the approved architectural plans;
3. The applicant proposes minor changes to the L Street elevation in order to match the internal floor plan of the apartment units; and
4. The applicant requests the option of using brick or precast materials on the facade of the third through seventh floors of the building, in lieu of precast materials, only.

On February 16, 1989, at a special public meeting, the Zoning Commission waived its rules of practice, and considered the applicant's motion for reconsideration and a letter dated January 31, 1989 from Advisory Neighborhood Commission - 2A, to which was attached a resolution in conditional support of the applicant's motion.

At that same meeting and subsequent to discussion, the Commission reopened the record to permit ANC-2A to elaborate on its opposition to the twenty-seven (27) additional parking spaces, and to allow the applicant an opportunity to file information about the specifications of the brick that is proposed for use on the third through seventh floor facade.

On March 13, 1989, at its regular monthly meeting, the Zoning Commission considered a letter dated March 3, 1989 from counsel for the applicant and a letter dated March 2, 1989 from ANC-2A. The Zoning Commission determined that it would require the applicant to seek approval of the type and color of brick without having a hearing. Subsequent to considering the concerns of ANC-2A regarding the additional parking, the Commission does not concur with those concerns.

The Zoning Commission concurs with the position of the applicant and the resolution of ANC-2A with one exception. The Commission believes that the modifications, including the additional 27 parking spaces, are reasonable, appropriate, and will not adversely affect the interest of neighboring property owners, the neighborhood, or the ANC.

The Zoning Commission further believes that the proposed modifications are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan for National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the modifications to the architectural plans and Z.C. Order No. 586, as contained in this order and included

in Exhibit No. 63 of the record of this case, subject to the following guidelines, conditions, and standards:

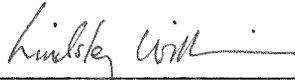
1. The selection of the color and type of brick shall be subject to the final approval of the Commission. The applicant shall submit brick samples to the Commission for approval prior to applying for a certificate of occupancy. No certificate of occupancy shall be issued until the Commission has approved the above-mentioned. This will not delay the applicant in obtaining the necessary District of Columbia approvals including, but not limited to, subdivision, building permits, or the like, or from beginning construction of the building.
2. Except as explicitly modified in this Order, the conditions and other provisions of Z.C. Order No. 586 shall remain in full force and effect.
3. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of Z.C. Order No. 586. Within such time to continue the effectiveness of the approval, application must be filed for a building permit for the project, pursuant to 11 DCMR 2407.2 and 2407.3. Construction shall start within three years of the effective date of Z.C. Order No. 586.
4. No building permit shall be issued for this PUD until the applicants have recorded a covenant in the Land Records of the District of Columbia, between the owner and the District of Columbia and satisfactory to the Office of the Corporation Counsel and the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (DCRA), which covenant shall bind the applicants and successors in title to construct on and use this property in accordance with Z.C. Order No. 586, or amendments thereof, of the Zoning Commission.
5. The Zoning Secretariat will not release the record of this case to the Zoning Regulations Division of the DCRA until the applicants have filed a certified copy of said covenant in the records of the Zoning Commission.

Vote of the Zoning Commission taken at a special public meeting on February 16, 1989: 4-0 (Maybelle Taylor Bennett, John G. Parsons, Elliott Carroll and Lindsley Williams, to approve - Lloyd D. Smith, not voting not having participated in the case.

This order was adopted by the Zoning Commission at its public meeting held on March 13, 1989 by a vote of 5-0 (John G. Parsons, Lloyd D. Smith, Lindsley Williams, Maybelle Taylor Bennett and Elliott Carroll, to adopt as amended).

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In accordance with the provision of 11 DCMR 3028, this order
is final and effective upon publication in the D.C.
Register, specifically on MAY 05 1989 .



LINDSLEY WILLIAMS
Chairman
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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