

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 690-C

Case No. 92-4M/89-20C

(PUD Modification - IBG/Citistate)

August 3, 1992

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on June 4, 1992. At that session, the Zoning Commission considered an application from Citistate/IBG No. One General Partnership for a modification to a previously approved PUD pursuant to Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on March 20, 1992, requested modification to a previously approved planned unit development (PUD) at 22nd and N Streets, N.W., Lots 36 and 43 in Square 49.
2. By Z.C. Order No. 690 dated May 13, 1991 and Z.C. Order No. 690-A dated September 10, 1991, the Commission granted final approval of Phase I of the PUD for Lots 36 and 43 (former lots 18-21, 24, 27, 42, 812 and 813) at premises 2201 N Street, N.W. The Commission also granted first-stage (preliminary) review and approval of a PUD for Lot 4 in Square 49 at premises 2225 N Street, N.W. The Commission also approved the rezoning from R-5-B to R-5-D for the entire site (Phases I and II; Lots 4, 36 and 43).
3. This application requests modification of Phase I to include Lot 806 in Square 49 located at 1312 22nd Street, N.W. Lot 806 is currently occupied by a three-story rowhouse.
4. The applicant, by prehearing submission dated April 9, 1992 and through testimony presented at the public hearing, seeks to improve Lot 806 with an above-grade addition to the north facade of the Phase I development.

5. The addition will be approximately 12 feet wide and 57 feet in height and located in the southwest corner of Lot 806. It will include a three-level underground parking garage connected to the existing garage. Twelve parking spaces will be provided through this modification. The applicant further offered by covenant to landscape and maintain the remainder of Lot 806 and the unimproved portion of the Georgetown Overlook property adjacent to Lot 806.
6. The District of Columbia Office of Planning (OP), by report dated May 26, 1992, and by testimony presented at the public hearing, recommended that the application to modify Phase I to include Lot 806 be approved. The OP report reviewed all of the conditions in Z.C. Order No. 690 related to Phase I of the PUD and determined that the modification was consistent with the original conditions.
7. No other agency reports were submitted for the record.
8. Advisory Neighborhood Commission (ANC) 2B, by testimony presented at the public hearing, supported the modification and stated that it offers a definite improvement to the neighborhood.
9. The West End Dupont Action Coalition (WEDAC), by letter dated February 10, 1992 and by testimony presented at the public hearing, conditionally supported the application. Those conditions consisted of the following:
 - a. That the already approved PUD on the adjacent site be modified only to turn the corner architecturally and that no additional FAR be allowed for this PUD, according to the modifications dated February 12, 1992 (pages 501A, 502A and 102AB) of the set of drawings submitted by Dewberry and Davis/Habib Architects; and
 - b. That the bulk of the new property at 1312 22nd Street (approximately 1,000 square feet) be landscaped as a park and open space to be viewed and enjoyed by the entire community.
10. The Georgetown Overlook Condominium Association, (GOCA) by letter dated February 13, 1992 supported the application. By testimony at the public hearing, GOCA indicated that the group was negotiating the landscaping covenant with the applicant. GOCA also had not decided whether it wanted Lot 806 to serve as a pedestrian thoroughfare from 22nd Street to 23rd Street.

11. Other than those previously mentioned, no additional letters or testimony were submitted or presented in support of or in opposition to the application.
12. The Commission was concerned with the manner in which Lot 806 and Lot 36 were to be landscaped and requested the applicant to file landscape plans for the above-mentioned lots into the record. Those plans were filed by submission dated June 25, 1992.
13. The Acting Director of the Office of Zoning reported at the public hearing that Lot 36 was not intended to be rezoned, pursuant to 11 DCMR 2401.3. She indicated that Lot 36 was included in the original PUD application as an amenity and not as a part of the PUD site. She requested that the Commission correct any reference to Lot 36 as part of the PUD site.
14. The Commission ruled to delete Lot 36 from the original PUD Order as part of the PUD site (Z.C. Order No. 690) noting that it is not to be rezoned because it is designated as an amenity to the project.
15. The Commission concurs with the recommendations and/or positions of the applicant, the Office of Zoning, the Office of Planning, ANC-2B, WEDAC and the Georgetown Overlook Condominium Association and finds that the modification application meets the standards for approval.
16. The Zoning Commission believes that the approval of this modification to Phase I is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.
17. The proposed action of the Zoning Commission to grant approval to modify Phase I of the PUD under Z.C. Order Nos. 690 and 690-A was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated July 22, 1992, indicated that the modification approval of Phase I would not adversely affect the Federal establishment or other Federal interest in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

18. The Commission finds that the applicant has satisfied the intent and purpose of Chapter 24 of DCMR, Title II, Zoning.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling the development of the subject site, because control of the use of the site is essential to assure compatibility with the neighborhood and achieve the goals and policies of the District.
2. The development of the PUD, as modified, carries out the purposes of 11 DCMR 2400 to encourage the development of well-planned residential, institutional, commercial and mixed-use 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.
3. The development of this PUD, as modified, is compatible with city-wide goals, plans and programs and is sensitive to environmental protection and energy conservation.
4. The approval of this application is not inconsistent with the Comprehensive Plan for the National Capital, and the purposes of the Zoning Act.
5. The application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and assure neighborhood stability.
6. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the text of the Zoning Regulations and the Zoning Map.
7. Because ANC-2B did participate in the hearing process, the Zoning Commission has accorded ANC 2B "great weight" consideration notwithstanding the fact that ANC-2B did not express its issues and concerns in writing.
8. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the findings of fact and conclusions of law set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the modification application for Phase I of the PUD for Lots 43 and 806 in Square 49 at 2201 N Street, N.W. This PUD approval is subject to the following guidelines, conditions, and standards:

1. Pursuant to 11 DCMR 2401.3, Lot 36 in Square 49 shall not be included as a part of the PUD site nor shall it be included in the rezoning from R-5-B to R-5-D, but shall be considered only as part of an amenity to the PUD approval in Z.C. Order No. 690, and shall remain in the R-5-B zone district.
2. The modification to the PUD shall be developed in accordance with the architectural drawings prepared by Dewberry and Davis/Habib Architects, and marked as Exhibit Nos. 4A, 4B, 26B-1, 26B-2 and 16, as modified by the guidelines, conditions and standards of this order.
3. Pursuant to Z.C. Order Nos. 690, 690-A, and 690-B, the PUD shall be developed in two phases. Phase I shall be developed with residential uses, and may include some nonresidential uses, as provided in Condition No. 4 of Z.C. Order No. 690. Phase II shall be developed with residential uses to be located in the landmark Wardman Building.
4. Z.C. Order No. 690 for Phase I of the PUD at 22nd and N Streets, N.W. shall be modified to include the adjacent Lot 806 in Square 49 located at 1312 22nd Street, N.W.
5. The applicant shall improve Lot 806 with an above-grade addition (3,400 square feet) (2.16 FAR) to the north facade of the Phase I building.
6. The addition shall be 12 feet wide and 57 feet in height.
7. The addition shall provide for the extension of the proposed garage at each of the three levels. Twelve underground parking spaces shall be provided as a result of this extension.
8. The applicant shall submit and file into the record of Z.C. Case No. 92-4M/89-20C the landscaping plan for Lot 36 once the National Park Service has approved and signed-off on the plan.
9. The applicant shall submit and file into the record of Z.C. Case No. 92-4M/89-20C the landscaping plan for Lot 806 once the Georgetown Overlook Condominium Association has approved and signed-off on the plan.

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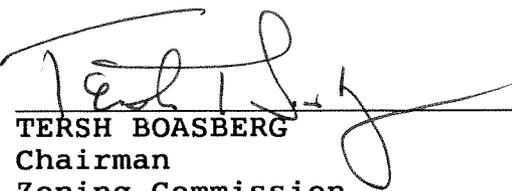
10. No building permit shall be issued for the PUD modification until the applicant has recorded a "Notice of Modification" of Z.C. Order No. 690 with the land records of the District of Columbia. That Notice of Modification shall include a true copy of Z.C. Order Nos. 690, 690-A, 690-B and 690-C that the Director of the Office of Zoning has so certified.
11. After recordation of said Notice of Modification, the applicant shall immediately file a certified copy of the Notice of Modification with the Office of Zoning for the records of the Zoning Commission.
12. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the applicant has satisfied Condition Nos. 10 and 11 of the order.
13. The PUD modification approved by the Zoning Commission 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 subsection 11 DCMR 2407.2 and 2407.3 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.

Vote of the Zoning Commission taken at the public hearing on June 4, 1992: 3-0 (John G. Parsons, William L. Ensign and Tersh Boasberg, to approve with conditions - Maybelle Taylor Bennett and Lloyd D. Smith, not voting, not having participated in the case).

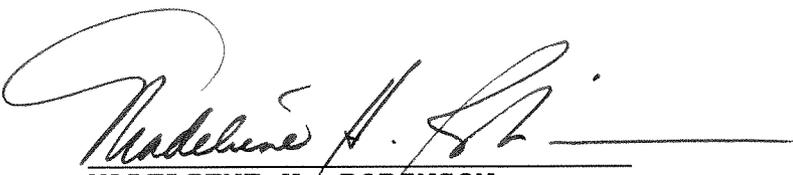
This order was adopted by the Zoning Commission at its public meeting on August 3, 1992 by a vote of 3-0 (William L. Ensign and Tersh Boasberg to adopt, John G. Parsons to approve by proxy - Maybelle Taylor Bennett and Lloyd D. Smith not voting, not having participated in the case).

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

SEP 04 1992



TERSHER BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning