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Zoning Commission Notice of Proposed Rulemaking: Case No. 10-01 (Text)

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ZONING COMMISSION  
District of Columbia

CASE NO. 07-35A

EXHIBIT NO. 6

ZONING COMMISSION  
District of Columbia  
CASE NO. 07-35A  
EXHIBIT NO. 6

**ZONING COMMISSION FOR DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 07-35A**  
**Z.C. Case No. 07-35A**  
**(Minor Modification to Approved Planned Unit Development for**  
**Sheridan Redevelopment LLC and DC Housing Authority)**  
**July 30, 2009**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on July 30, 2009. At the meeting, the Commission approved an application from the District of Columbia Housing Authority and the associated private developer team, Sheridan Redevelopment, LLC, (the "Applicant") for minor modifications to an approved planned unit development ("PUD") for property identified as Lots 61-66 in Square 5869, Lots 49-56, 131-135, 940, 956, 958, 961, 963, 965, 967, 969, 971, and 972 in Square 5872 located in the Hillside neighborhood of Anacostia, pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations ("Modification Application"). The Commission determined that the Modification Application was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations.

**FINDINGS OF FACT**

1. By Zoning Commission Order No. 07-35, dated November 10, 2008 ("PUD Order"), the Commission approved a PUD and related map amendment for multiple properties in Squares 5869 and 5872. The Order approved the construction of a large community redevelopment project that comprises a total of 344 new residences including: 104 units in an apartment building with ground floor flex space, 68 stacked townhome units, 116 single-family townhouses, and 56 units in 14 four-story walk-up buildings (each having four units). Approximately 32% of the dwelling units will be affordable to households earning 60% or less of Area Median Income ("AMI"), and approximately 35% will be moderate-income units serving households earning incomes between 60% and 80% of AMI in accordance with the requirements of the public agencies providing financial subsidies for this purpose.
2. The Modification Application requested three minor modifications to Zoning Commission Order No. 07-35: (1) an increase in the size of the apartment building ground floor flex space and corresponding decrease in amount of parking provided in the apartment building; (2) a side yard adjustment in one townhouse lot; and (3) a change in height in one of the townhouse typologies.
3. The first modification relates to the 5,000 square feet of flex space located on the ground floor of the apartment building. The PUD Order provides that the ground floor of the apartment building is to be devoted to community space and that no general commercial retail uses are to be permitted. Further, the "Public Benefits and Project Amenities" section of the PUD Order describes the space as follows:

*The project includes 5,000 square feet community meeting space and flexible social service space ("flex space") on the ground floor of the multi-family building for community related use. A portion of the flex space will be set aside*

*for meeting space for residents of Sheridan Terrace and the larger community, this portion of the space will be furnished and made available free of charge. The remainder of the flex space will be reserved for one or more of the following uses:*

- *Health, Wellness, and Environmental related uses*
- *Fitness and Exercise related uses*
- *Arts or culture related uses*
- *Computer and/or technology space*

*The final programming for the flex space will be made with input from the Sheridan Terrace Steering Committee and the surrounding community. (Exhibit 70, Attachment 2.)*

4. The Modification Application indicates that the Applicant finalized a development program that meets the intent of the approved PUD but with an increase in the total amount of flex space provided from 5,000 square feet to 7,735 square feet to accommodate an inner city wellness center that will provide primary care with a focus on preventive health care. A fitness facility, a community meeting space, and a small business space will also be provided. The Modification Application further provides that the proposed increase in the flex space will allow the Applicant to provide important services to the 100% affordable apartment building. In order to achieve this square footage, however, the Applicant indicated that it will have to reduce the number of parking spaces in the apartment building from 63 to 55 spaces. The Applicant asserts that the proposed 55 spaces still surpass the number of spaces (48) required per zoning and are more than adequate given the proximity to Metrorail and several major bus routes.
5. The second requested minor modification involves a reduction in the side yard for the proposed townhome on Lot 16. The side yard is to be reduced from five feet to two feet based upon updated survey information. The decrease is within the range of allowable side yards for the approved PUD, some of which are at zero.
6. The third minor modification is a reduction in the height of the D-2 townhouse unit type. Due to increases in construction costs and requests for more two-bedroom units, the Modification Application requested reducing this unit type by one story.
7. Advisory Neighborhood Commissions ("ANC") 8A and 8C were served by the Applicant with the requested Modification Application. The ANCs did not submit a written report.
8. The Office of Planning ("OP") also did not submit a report.
9. On July 30, 2009, at a special public meeting, the Commission voted to approve the Modification Application.

### **CONCLUSIONS OF LAW**

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and is consistent with the intent of the previously approved Zoning Commission Order No. 07-35.

The Commission concludes that its decision is in the best interests of the District of Columbia and is consistent with the intent, purpose, and integrity of the Zoning Regulations and Zoning Map.

The approval of the modification is not inconsistent with the Comprehensive Plan.

The modifications do not impact the essential elements of the approved PUD, including use, gross floor area, or lot occupancy. The change in height results in a reduction of the zoning relief required. The setback reduction for one townhouse is within the range of zoning relief approved by the Commission through the PUD Order, and is very minor in size. The modifications are minor such that consideration as a Consent Calendar item without public hearing is appropriate.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for minor modifications of an approved PUD.

As such, the PUD shall be developed in accordance with the site plans submitted as Exhibits 51 and 64 as set forth in Zoning Commission Order 07-35 and as modified by Exhibits 1 and 5 included in the record of this case.

Condition No. 5 of Zoning Commission Order No. 07-35 is hereby revised to read:

5. There shall be a minimum of 255 off-street parking spaces provided in the project.

On July 30, 2009, upon motion of Commissioner May, as seconded by Commissioner Turnbull, the Commission adopted this Order at its public meeting by a vote of 4-0-1 (Anthony J. Hood, William W. Keating, III, Michael G. Turnbull, and Peter G. May to approve; Konrad W. Schlater, not voting, having recused himself).

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 March 12, 2010.