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180834	Submitted to ODAI	Notices, Opinions	Zoning Commission Order No. 07-35B (Sheridan Redevelopment LLC & D.C. Housing Authority)	3/5/2010 Ver 57/10	3/1/2010 09:22:03

ZONING COMMISSION
District of Columbia

CASE NO. 07-35B
EXHIBIT NO. 7

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ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-35B

Z.C. Case No. 07-35B

**(Second Minor Modification to Approved Planned Unit Development for
Sheridan Redevelopment LLC and DC Housing Authority)**

October 19, 2009

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on October 19, 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, 956¹, 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 PUD 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 having 60% or less of Area Median Income ("AMI"), and approximately 35% will be moderate-income units serving households having incomes between 60% and 80% of AMI in accordance with the requirements of the public agencies providing financial subsidies for this purpose.

2. On July 30, 2009, the Commission approved the following minor modifications to the PUD Order (the "First PUD Modification"). The Modification Application requested three minor modifications to the PUD Order:
 - (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.

¹ By this modification order, Lot 956 is deleted from the PUD, and Lots 984 and 986 are added to the PUD. As described below, the PUD-related map amendment does not apply to Lot 986.

3. The proposed second modification application requests approval of two additional minor modifications. The proposed minor modifications seek to change the approved PUD boundaries by extracting a small portion of the originally approved PUD site and adding a comparably sized new lot. More specifically, the first proposed modification concerns Lot 956, which pursuant to the PUD was to be improved with retaining walls. The Applicant determined that the entirety of Lot 956 is not needed for the walls and subdivided Lot 956 into two new tax lots to separate the land which is necessary for the retaining walls from the excess land. Tax Lot 984 was created for the portion of Lot 956 which has the retaining walls and Tax Lot 983 for the excess land. The Applicant proposes to delete Lot 956 from the PUD.
4. The second proposed modification seeks to add Lot 986 to the PUD site. Following PUD approval, the Applicant realized that a small amount of one retaining wall and a storm water management structure is located outside the approved PUD site on Lot 986. No rezoning of Lot 986 is necessary to support the aforementioned approved structures and no rezoning of Lot 986 is requested.
5. The proposed boundary modifications will have no impact on the approved PUD density. Deleted Lot 956 has an area of 4,607 square feet and the added Lot 986 has an area of 4,136. Given a total site area of 296,793 square feet (12 acres), the changes are inconsequential from a density standpoint.
6. There was no opposition to the modifications. 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.
7. On October 9, 2009 the Office of Planning ("OP") submitted a report recommending approval of the requested modification.

On October 19, 2009, at a special public meeting, the Commission approved the proposed second modification application.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission finds that the proposed minor modifications are consistent with the intent of the previously approved Zoning Commission Order No. 07-35.

The Commission concurs with the Applicant that approving the second modification application is appropriate and not inconsistent with the intent of 11 DCMR §§ 2409.9 and 3030.

The Commission further concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Act.

Approval of the modification is not inconsistent with the Comprehensive Plan.

The modification does not impact the essential impact of the approved PUD, including use, gross floor area, or lot occupancy. The substitution of lots has a minimal effect on the density of the project. 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 second application for minor modifications of an approved PUD. This approval is subject to the following new condition to be added to the PUD order:

(12) The PUD site area is amended by deleting Lot 956 and adding Lots 984 and 986. The PUD-related map amendment does not apply to Lot 986.

On October 19, 2009, on a motion made by Chairman Hood and seconded by Commissioner Turnbull, this Order was **ADOPTED** by the Zoning Commission 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, having recused himself, not voting).

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 5, 2010.