Government of the District of Columbia
OFFICE OF ZONING

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Sharon S. Schellin
Acting Secretary to the Zoning Commission

DATE: November 9, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on November 18, 2005:

1. Z.C. Corrected Notice of Proposed Rulemaking (Case No. 04-27);
2. Z.C. Notice of Public Hearing (Case No. 05-24);
3. Z.C. Order No. 949-B (Case No. 00-36CP);
4. Z.C. Order No. 955B (Case No. 01-09A);
5. Z.C. Order No. 03-22 (Case No. 03-22);
6. Z.C. Order No. 03-27 (Case No. 03-27);
7. Z.C. Order No. 03-30 (Case No. 03-30); and
8. Z.C. Order No. 04-02 (Case No. 04-02).

Attachments

[illegible]
District of Columbia
CASE NO. 01-09A
EXHIBIT NO. 5

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ZONING COMMISSION
District of Columbia
CASE NO.01-09A
EXHIBIT NO.5

Zoning Commission Order No. 955B
Zoning Commission Case No. 01-09A
(Modification to a Consolidated Planned Unit Development and Zoning Map Amendment for Station Place)
October 17, 2005

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on October 17, 2005. At the meeting, the Zoning Commission approved an application from Second Street Holdings LLC (the "Applicant") requesting a minor modification to an approved planned unit development ("PUD") for Station Place, pursuant to Chapter 24 and the Consent Calendar Regulations of Chapter 30 of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. Because the modification was deemed minor, a public hearing was not conducted.

The Commission determined that this modification request was properly before it under the provisions of Subsections 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

Pursuant to Zoning Commission Order No. 955, dated February 11, 2002, the Commission approved a PUD and related Zoning Map amendment for property located on the west side of 2nd Street, between F and H Streets, N.E. (the "Site"). The Site consisted of Lots 178 and 179 in Square 720 and is now known as Lots 824, 825, and 826 in Square 720. The office building approved in Zoning Commission Order 955 is to have approximately 1,396,950 square feet of gross floor area, not to exceed a density of 5.9 FAR, with a maximum building height of 115.5 feet, as measured from F Street or 89.32 feet as measured from the H Street overpass. The project will provide a minimum of 922 parking spaces.

On October 20, 2003, pursuant to Zoning Commission Order No. 03-31 (955-A), the Commission approved an application for a minor modification to the PUD to permit the substitution of four water features with sculptures and planters in the courtyards along 2nd Street, N.E., as indicated in the plans submitted with said application. The circular water features in Courtyards 1 and 2 may be substituted with sculptures. For Courtyard 1, a sculpture depicting a small crowd of people may be constructed in the center of the courtyard in place of the water feature. For Courtyard 2, a sculpture resembling a horizontal body, lying face down and looking forward, may be constructed in the center of the courtyard in place of the water feature. The rectangular water features shown for Courtyards 2 and 3 may be replaced with planters.

The Applicant seeks a minor modification of the PUD in order to devote the western portion of Courtyard 1 as an outdoor playground for a child development center in accordance with the plans prepared by DBI Architects, Inc., dated September 16, 2005, and attached as Exhibit C to the Request for Minor Modification. The playground is intended to serve children attending the daycare facility to be included in Station Place.

The requested minor modification does not affect the essential elements of the approval given by the Commission for the PUD, including use, height, gross floor area, lot occupancy, setbacks or number of parking spaces. Additionally, the modification is consistent with the approved elements of the amenity package.

Copies of the Request for Minor Modification were hand-delivered to all parties to the approved PUD, including Advisory Neighborhood Commission 6C (the successor to Advisory Neighborhood Commission 6A), the Stanton Park Neighborhood Association, the H Street Merchants and Professionals Association, and the Near Northeast Neighborhood Task Force.

On October 17, 2005, at its regular monthly meeting, the Zoning Commission reviewed the application as a Consent Calendar matter and granted approval of the minor modification to the approved PUD.

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

The Commission further finds that its decision is in the best interests of the District of Columbia and is consistent with the intent and purpose of the Zone plan as embodied in the Zoning Regulations and the Zoning Act.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and does not change the intent of the previously approved Zoning Commission Order No. 955. Further, the Commission concludes that its decision is in the best interests of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

The approval of the modification is not inconsistent with the Comprehensive Plan. Further, the proposed modification does not impact the essential elements of the approved PUD, including use, height, gross floor area, lot occupancy, setbacks or number of parking spaces. Other than the incorporation of an outdoor playground in Courtyard 1, no other condition of the approved PUD will be affected. The material facts relied upon by the Commission in approving the PUD in Zoning Commission Order No. 955 have not changed. The modification is 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 provided herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application for a minor modification of an approved PUD for the property located on the west side of 2nd Street, between F and H Streets, N.E. (now known as Lot 824, 825, and 826 in Square 720). As such, notwithstanding the previous site plan approvals for the PUD, the western portion of Courtyard 1 may be devoted to an outdoor playground for a child development center in accordance with the plans prepared by DBI Architects, Inc., dated September 16, 2005, and submitted as Exhibit C of the Applicant's Request for Modification.

Pursuant to the intent of 11 DCMR 2409.3, no building permit shall be issued by the Department of Consumer and Regulatory Affairs (DCRA) for the minor modification until the Applicant has recorded a "Notice of Modification" of Zoning Commission Order No. 955 with the land records of the District of Columbia. That Notice of Modification shall include true copies of Zoning Commission Order No. 955, Zoning Commission Order No. 03-31 (955-A), and this Order (Zoning Commission Order No. 955B), which the Director of the Office of Zoning has certified. The recordation of the Notice of Modification shall bind the Applicant and any successors in title to construct on and use the site in accordance with this order and any amendments thereof.

After recordation of the Notice of Modification, the Applicant shall promptly file a certified copy of that Notice of Modification with the Office of Zoning for the records of the Commission.

The minor PUD modification shall be valid for a period of two (2) years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in 11 DCMR §§ 2409.2 and 2409.3 of the Zoning Regulations. Construction shall start within three (3) years of the effective date of this Order.

Vote of the Commission was taken at its public meeting on October 17, 2005, by a vote of 5-0-0 (Carol J. Mitten, John G. Parsons, Anthony J. Hood, Gregory N. Jeffries, and Kevin L. Hildebrand to approve).

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 _____.