

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



Z.C. CASE NO.: 05-14A

As Secretary to the Commission, I hereby certify that on APR - 7 2008 copies of this Z.C. Order No. 05-14A-1 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. <i>D.C. Register</i>	6. Councilmember Jim Graham
2. Walter Johnson NPCDC 1330 New Hampshire Ave., NW Suite 111 Washington, D.C. 20036	7. Karina Ricks, DDOT
3. Thomas Smith, Chair ANC 1B P.O. Box 73710 Washington, DC 20056	8. Zoning Administrator
4. Commissioner Zachary Wright ANC/SMD 1B07 1400 Fairmont Street, N.W. Washington, DC 20009	9. Jill Stern General Counsel 941 North Capitol Street, N.E. Suite 9400 Washington, D.C. 20002
5. Gottlieb Simon ANC 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004	10. Alan Bergstein, Office of the Attorney General

ATTESTED BY:


Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning

ZONING COMMISSION
District of Columbia

CASE NO. 05-14A

EXHIBIT NO. 4

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION ORDER NO. 05-14A-1

Z.C. Case No. 05-14A

**Minor Modification to the Consolidated Planned Unit Development for
Non-Profit Community Development Corporation of Washington, D.C., Inc.**

July 9, 2007

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on July 9, 2007. At the meeting, the Zoning Commission approved an application from the Non-Profit Community Development Corporation of Washington, D.C., Inc. (the "Applicant") for a minor modification to an approved planned unit development ("PUD") for specified property located at 2750 14th Street, N.W. (Square 2677, Lot 73). 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 §§ 2409.9 and 3030 of the Zoning Regulations.

FINDINGS OF FACT

By Zoning Commission Order No. 05-14, dated October 7, 2005, the Commission approved a PUD for property in Square 2667, Lot 73. The Order approved the construction of a mixed-use building including an affordable housing component, a market-rate housing component, a child care center, and retail commercial space in the Columbia Heights neighborhood. The Applicant noted that one of its goals towards revitalization of the 14th Street corridor was to provide space for a child care center in its building which would be operated by Urban Development Associates. To this effect, Condition No. 10 of the order required the Applicant to provide an 8,000-square-foot child care center in the building.

The application stated that the requested modification to Z.C. Order No. 05-14 was necessary because the child care operator, Urban Development Associates, defaulted on its lease with the Applicant. The Applicant secured a new lessee, AppleTree Learning Public Charter School, Inc. ("AppleTree"), and entered into a 10-year lease for approximately 9,851 square feet in the building. AppleTree will provide full-day, tuition-free early childhood education for three- and four-year old children through their public charter preschool program. Accordingly, the Applicant is requesting a modification of Condition No. 10 to allow for this use in addition to a "child care center."

There was no opposition to this minor modification request. Advisory Neighborhood Commission 1B was served by the Applicant with the requested modification but did not

submit a written report. The Office of Planning (“OP”) was not requested to and did not submit a written report to the Commission.

On July 9, 2007, 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 Zoning Commission concurs with the Applicant that approving the modification is appropriate and not inconsistent with the intent of 11 DCMR §§ 2409.9 and 3030.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Zoning Commission finds that the proposed modification is minor and consistent with the intent of the previously approved PUD in Z.C. Order No. 05-14. Further, the Commission 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.

The approval of the modification is not inconsistent with the Comprehensive Plan. Further, the proposed modification continues the Applicant’s goal of providing a child care center in the neighborhood in an effort to revitalize the 14th Street Corridor.

The modification is minor and consideration as a Consent Calendar item without a 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 a minor modification of the approved PUD. Condition No. 10 of Z.C. Order No. 05-14 is hereby revised to read:

10. The Project will include at least 8,000 square feet dedicated to use as a child care center, child development center, or public charter school serving pre-kindergarten students.

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 Z.C. Order No. 05-14 in the land records of the District of Columbia. That Notice of Modification shall include true copies of Z.C. Order No. 05-14 and this Order (Z.C. Order No. 05-14A2), 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

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the site in accordance with this Order and any amendments thereof by the Zoning Commission.

This application was approved by the Zoning Commission at its public meeting on July 9, 2007, by a vote of 5-0-0 (Carol J. Mitten, John G. Parsons, Anthony J. Hood, Gregory N. Jeffries, and Michael G. Turnbull).

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 APR 11 2008.



ANTHONY J. HOOD

CHAIRMAN
ZONING COMMISSION



JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING