

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-14A(1)
Z.C. Case No. 13-14A

JAIR LYNCH Development Partners, on behalf of Vision McMillan Partners and the
Office of the Deputy Mayor for Planning and Economic Development
(Second-Stage PUD @ Square 3128, Lot 800 –
McMillan Reservoir Slow Sand Filtration Site – Parcel 2)
Order on Remand – July 30, 2018

Through Z.C. Order No. 13-14A (“Second-Stage Order”), dated March 14, 2016, and effective April 22, 2016, the Zoning Commission for the District of Columbia (“Commission”) approved an application (“Second-Stage Application”) from Jair Lynch Development Partners, on behalf of Vision McMillan Partners and the Office of the Deputy Mayor for Planning and Economic Development for approval of a second-stage planned unit development (“PUD”) on Parcel 2 of the McMillan Reservoir Slow Sand Filtration Site (Lot 800 in Square 3128) (“Overall PUD Site”). The Second-Stage Order authorized a mixed-use, multi-family building with ground-floor retail.

The filing of the Second-Stage Application was authorized by Z.C. Order No. 13-14 (corrected) (“First-Stage Order”), dated November 10, 2014, and effective April 17, 2015, through which the Commission granted approval of an application for first-stage and consolidated review of a PUD and related map amendments at the Overall PUD Site, which had been unzoned. The First-Stage Order divided the Overall PUD Site into seven distinct parcels. The approved first-stage PUD included the master plan for the Overall PUD Site, as well as Parcels 2 and 3 (“First-Stage PUD”). The remaining parcels comprised the consolidated portion of the PUD.

The First-Stage Order was appealed to the District of Columbia Court of Appeals on May 6, 2015. The Second-Stage Order was appealed to the District of Columbia Court of Appeals on May 23, 2016.

On December 8, 2016, the Court of Appeals vacated the First-Stage Order and remanded Z.C. Case No. 13-14 for further proceeding. (*Friends of McMillan Park v. District of Columbia Zoning Comm’n*, 149 A.3d 1027 (D.C. 2016).)

Through an Order dated April 17, 2017, the District of Columbia Court of Appeals *sua sponte* remanded Z.C. Case No. 13-14A “for further proceedings, if necessary, in light of *Friends of McMillan Park*, 149 A.3d 1027,” *DC for Reasonable Development vs. District of Columbia Zoning Comm’n*, No. 16-AA-515 (D.C. 2017).

The Commission conducted remand proceedings on Z.C. Case No. 13-14 and by Z.C. Order No. 13-14(6) dated September 13, 2017, and effective June 18, 2018, again approved the first-stage and consolidated applications, including the first-stage approval for Parcel 2. The only change made to the relief granted by the First-Stage Order was to extend the CR zoning previously approved for Parcels 2 through 7 to Parcel 1, which was originally rezoned to the C-3-C Zone District.


Since the first-stage approval for Parcel 2 is once more in effect, the Commission at its regularly scheduled public meeting held July 30, 2018, determined that no further remand proceedings for Z.C. Case No. 13-14A was necessary. The Second-Stage Order therefore remains in effect and unchanged.

On July 30, 2018, upon the motion of Commissioner Shapiro, as seconded by Chairman Hood, the Zoning Commission **DETERMINED** that no further remand proceedings were necessary, by a vote of **5-0-0** at its public meeting (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).


In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*, that is, on September 28, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING