

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 15-29(2)**  
**Z.C. CASE NO. 15-29**  
**Jemal's Gateway DC, LLC**  
**(Extinguishment of Approved Consolidated PUD and Related Map Amendment)**  
**Square 2960, Lot 17**  
**May 14, 2018**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public meeting on May 14, 2018, to consider a request of Jemal's Gateway DC, LLC ("Applicant") to extinguish an approved planned unit development ("PUD") and related Zoning Map amendment from the C-2-A and R-1-B Zone Districts to the C-2-B Zone District for Lot 17 and a portion of a public alley to be closed in Square 2960 ("PUD Site"),<sup>1</sup> approved in Z.C. Order No. 15-29. The Commission considered the request pursuant to Subtitle X, Chapter 4 and Subtitle Z of the District of Columbia 2016 Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The Commission granted the request.

**FINDINGS OF FACT**

1. Pursuant to Z.C. Order No. 15-29, dated September 12, 2016, and effective on February 17, 2017, the Commission approved a PUD and a Zoning Map amendment from the C-2-A and R-1-B Districts to the C-2-B District for the PUD Site. The PUD Site has a land area of approximately 87,522 square feet and is bounded to the northeast by Eastern Avenue, N.W., to the east by Georgia Avenue, N.W. and Alaska Avenue, N.W., to the south by Kalmia Road, N.W., and to the west by an alley and private property.
2. The approved PUD contemplated development of a new mixed-use residential and retail building with approximately 273,308 square feet of gross floor area (3.12 FAR) and a maximum building height of 74 feet, 3 inches. Approximately 189,099 square feet of gross floor area was approved for residential use (approximately 199 units, plus or minus 10%) and approximately 58,400 square feet of gross floor area was approved for retail use.

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<sup>1</sup> Under the 2016 Zoning Regulations, the C-2-A Zone District converted to the MU-4 zone; the R-1-B Zone District was maintained as R-1-B, and the C-2-B Zone District converted to the MU-5-A zone. The public alley has since been closed as is now known as Lot 817 in Square 2960.

3. The parties to Z.C. Case No. 15-29 were the Applicant and Advisory Neighborhood Commission (“ANC”) 4A. Also participating in the case as persons in opposition were Reverend David L. Jefferson and Naima Jefferson (the “Jeffersons”), who live at 1121 Kalmia Road, N.W.
4. Following issuance of Z.C. Order No. 15-29, on February 21, 2017, the Jeffersons filed a Motion for Leave to File and Motion to Reconsider Z.C. Order No. 15-29. Pursuant to Z.C. Order No. 15-29(1), dated March 13, 2017, and effective on August 11, 2017, the Commission denied the Jeffersons’ motion. On March 10, 2017, the Jeffersons appealed the issuance of Z.C. Order No. 15-29 to the District of Columbia Court of Appeals (17-AA-0255).
5. On May 3, 2018, the Applicant submitted a letter to the Commission requesting the extinguishment of the PUD pursuant to 11-X DCMR § 310.2(b) to permit matter-of-right development at the PUD Site under the old C-2-A and R-1-B Zone Districts (MU-4 and R-1-B zones, respectively).
6. At its public meeting of May 14, 2018, the Commission voted to extinguish the PUD and Zoning Map amendment.

### **CONCLUSIONS OF LAW**

1. Pursuant to the Zoning Regulations, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD: (a) results in a project superior to what would result from the matter-of-right standards; (b) offers a commendable number or quality of meaningful public benefits; and (c) protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. (11-X DCMR § 300.1.)
2. Once a PUD is approved, any construction on the PUD site that is not authorized in the order approving the PUD, including development under matter-of-right standards, is not permitted until (a) the validity of the PUD order expires; or (b) the Commission issues an order granting the applicant’s motion to extinguish the PUD. (11-X DCMR § 310.2.)
3. In this case, the Commission finds that the Applicant no longer intends to build the approved PUD. Thus, the Commission finds that extinguishing the PUD will allow the Subject Property to be developed under matter-of-right standards pursuant to the R-1-B and MU-4 Zone Districts as applicable.

### **DECISION**

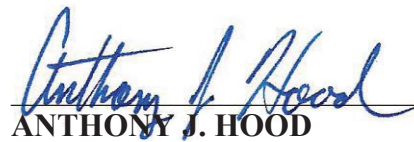
In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the request of the Applicant to extinguish the PUD approved pursuant to Z.C. Order No. 15-29.


On May 14, 2018, by the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the request for extinguishment of the PUD at its public meeting by a vote of 4-0-1 (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve, Peter A. Shapiro not present not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on June 8, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

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

  
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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

  
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**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**