

MEMORANDUM

TO: District of Columbia Zoning Commission
JLS

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: September 5, 2017

SUBJECT: **MINOR MODIFICATION-** ZC 15-18 (Initio LP PUD)
Minor Modification of Approved Planned Unit Development Z.C. Case No. 15-18

I. RECOMMENDATION

The Office of Planning (“OP”) does not oppose the proposed modification.

II. BACKGROUND

Initio LP (the “Applicant”) has petitioned the Zoning Commission for a minor modification to the approved Planned Unit Development (“PUD”) in case Z.C. Order 15-18, effective March 10, 2017, pursuant to Subtitle Z § 703 of the 2016 Regulations.

The Zoning Commission approved the Consolidated Planned Unit Development with Related Zoning Map Amendment from C-2-A/unzoned to W-2 for development of the property located at 2715 Pennsylvania Avenue, N.W. The PUD was approved under the 1958 regulations.

When proposed, the PUD site did not meet the 15,000 SF minimum land area requirement for a PUD. At 7,413 SF, the proposed PUD site did not qualify for a 50% waiver of the land area requirements under Section 2401.2 of the 1958 zoning regulations. However, the Zoning Commission approved a waiver of the PUD minimum land area requirements based on policy considerations underlying the decision to approve the revised waiver regulations in ZR 16 which would allow the minimum lot area for MU-13 to be reduced by waiver to 5,000 SF. (Z.C. Order No. 08-06E). Z.C. Order No. 15-18 states: “The Commission concludes that although new Subtitle X § 301.3 does not technically apply to this PUD, the underlying policy considerations that prompted the Commission to adopt it are equally relevant to the Commission’s determination of this request.” The Committee of 100 subsequently filed an appeal of the approval stating that the application was evaluated under the 1958 zoning regulations but the waiver could only be allowed under ZR 16.

III. PROPOSED MODIFICATION AND ANALYSIS

The Applicant’s proposed modification is in response to the appeal filed by the Committee of 100. If the Zoning Commission approves the modification, the Committee of 100 would withdraw the appeal.

The Applicant proposes to modify approved PUD #15-18 to evaluate the minimum land area requirements under the 2016 zoning regulations. Pursuant to Subtitle X Section 301.3 of the 2016 zoning regulations, the Zoning Commission may waive the minimum area requirement in the MU-13 zone to no less than 5,000 SF and the Initio LP PUD at 7,413 SF could qualify for this waiver.

If the modification is approved, the Zoning Commission would vacate the portions of the Order that refer to the waiver under the 1958 Zoning regulations, specifically: Findings of Fact Nos. 37 and 38 and Conclusion of Law No. 4.

The Office of Planning typically does not support a PUD application using both sets of zoning regulations. In this specific case, OP can support this modification because there was substantial discussion by the Zoning Commission about the changes in ZR-16 to this zone's minimum lot area regulations that guided the decision. OP confirmed with the Office of Attorney General that the approved PUD would not need to be re-evaluated under the 2016 zoning regulations.

IV. RECOMMENDATION

The Office of Planning does not consider this to be setting a precedent for any other case, and OP does not oppose the minor modification for this specific case only.

JS/af