

# EXHIBIT C

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FINAL RULEMAKING**  
**AND**  
**Z.C. ORDER NO. 12-17**  
**Z.C. Case No. 12-17**  
**Text Amendment – 11 DCMR)**  
**(Amendments to the Reed-Cooke Overlay District)**  
**February 25, 2013**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of the adoption of amendments to §§ 1400, 1401, and 1402 of the Zoning Regulations (Title 11 DCMR). These provisions state the purposes of the Reed-Cooke Overlay District (Overlay), prohibit certain uses, limit the maximum height of buildings, and provide that a planned unit development (PUD) may not allow greater bulk and area permissions than permitted in the underlying zone.

The amendments permit the Commission to approve a PUD permitting a hotel use within an enlarged First Church Christ Scientist building currently located on Lot 872 of Square 2560 notwithstanding certain provisions of the current use and area limitations. The Commission also amended the Overlay's purposes to include the purpose of ensuring the preservation and adaptive reuse of the First Church of Christ Scientist building through a PUD process. The PUD application is the subject of Z.C. Case No. 11-17.

A public hearing was held on January 7, 2012. At the conclusion of the hearing, the Commission authorized the referral of the amendments, as revised,<sup>1</sup> to the National Capital Planning Commission and the publication of a notice of proposed rulemaking in the *DC Register*.

A notice of proposed rulemaking was published in the *D.C. Register* on January 18, 2013 at 60 DCR 413. Comments were received from Ms. Teresa Lopez, the Champlain Street Neighbors: Hotel Study Group; Mr. Ronald G. Gluck; Ms. Blanca Aquino; and Mr. Chris Otten. Because Ms. Aquino's comments were in Spanish, an English translation was provided for the Commission's use (Exhibit 23A). The comments generally criticized the PUD project and suggested that it was not consistent with the Comprehensive Plan. As such, these comments were not relevant to this petition, which only sought text amendments that would make it

---

<sup>1</sup> The Commission advertised the two versions of the amendments. One version was the text as stated in the Petition while the second version included modification suggested by the Office of the Attorney General. At the time it took proposed action, the Commission chose to proceed with the OAG version. The Commission also accepted the proposal of the Office of Planning to amend the Overlay's purposes to include the purpose of ensuring the preservation and adaptive reuse of the First Church of Christ Scientist building through a planned unit development process.

possible for the Commission to approve the PUD if it concluded that the applicant met the PUD standards.

By letter dated February 12, 2013, the NCPC Executive Director advised the Zoning Commission that NCPC, at its February 7, 2013 meeting, approved an action advising that “the proposed text amendment to the Overlay, relating to the Adams Morgan Church PUD, would not inconsistent with the Federal Elements of the Comprehensive Plan.”

At a properly noticed public meeting held on February 25, 2013, the Commission took final action to adopt the text amendments, making no changes to the text as proposed. At the same time, the Commission took final action to approve Z.C. Case No. 11-17. An order explaining the basis for that decision is published in this same edition of the *D.C. Register*.

Chapter 14, **REED-COOKE OVERLAY DISTRICT**, is amended as follows:

Section 1400, **GENERAL PROVISIONS (RC)**, § 1400.2, is amended by adding a new paragraph (d) so that the entire provision reads as follows:

1400.2        The purposes of the RC Overlay District shall be to:

- (a)     Implement the objectives of the Reed-Cooke Special Treatment Area, which are to:
  - (1)     Protect current housing in the area and provide for the development of new housing;
  - (2)     Maintain heights and densities at appropriate levels; and
  - (3)     Encourage small-scale business development that will not adversely affect the residential community;
- (b)     Ensure that new nonresidential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams-Morgan community;
- (c)     Protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts; and
- (d)     Ensure the preservation and adaptive reuse of the First Church of Christ Scientist building located on Lot 872 of Square 2560, through a planned unit development process.

Section 1401, **USE PROVISIONS (RC)**, is amended by adding a new § 1401.4 to read as follows:

1401.4 Notwithstanding § 1401.1, the Zoning Commission may approve a planned unit development that permits a hotel use integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, and within such hotel, but only within the First Church Christ Scientist building, permit a restaurant and bar use; provided that the Zoning Commission may also permit food and alcohol to be served in the enclosed pool, the meeting rooms, the guestrooms, and the rooftop area located in the proposed addition to the First Church Christ Scientist building/or so long as such addition and the First Church Christ Scientist building are being operated together as a hotel.

Section 1402, **HEIGHT AND BULK PROVISIONS (RC)**, is amended by adding a new § 1402.3, to read as follows:

1402.3 Notwithstanding § 1402.2, the Zoning Commission, as part of a planned unit development permitting a hotel integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560, may permit a building height on former Lots 875 and 127 not to exceed 72 feet measured from Euclid Street, and an overall building density not to exceed 3.99 FAR.

On January 7, 2013, at the conclusion of the public hearing upon the motion of Vice Chairman Cohen, as seconded by Commissioner Miller, the Zoning Commission took proposed action to **APPROVE** this petition as amended by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On February 25, 2013, upon the motion of Vice Chairman Cohen, as seconded by Commissioner Turnbull, the Zoning Commission took final action to **ADOPT** the amendments at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is, on March 15, 2013.

  
\_\_\_\_\_  
ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
\_\_\_\_\_  
SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING  
AND  
Z.C. ORDER NO. 12-17  
Z.C. Case No. 12-17  
Text Amendment – 11 DCMR)  
(Amendments to the Reed-Cooke Overlay District)  
February 25, 2013**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.