Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 513-A
Case No. 85-3C
(1215 I Street - PUD)
May 14, 1987

FINDINGS OF FACT

1. The Zoning Commission approved this planned unit development, by Z.C. Order No. 513, effective April 3, 1987.

2. This approved application is now before the Commission on the motion of the applicant for an amendment of Condition No. 33 of Z.C. Order No. 513.

3. By motion dated May 5, 1987, and styled as a "request for clarification," the applicant requested "clarification" of Condition No. 33 in Z.C. Order 513. Condition No. 33 is a boiler plate provision which implements 11 DCMR 2406.8 and 2406.9, and is not unclear.

4. The applicant's May 5 letter, and a related letter, dated May 14, 1987, evidenced that the relief which the applicant needs is an extension of the PUD, pursuant to 11 DCMR 2406.10. The Commission will therefore treat the May 5 request as a motion pursuant to that provision.

5. By deferring construction of the PUD, the applicant will be in a position to use its financial and other resources to comply earlier with the requirements of Conditions No. 9 through 11 of Z.C. Order No. 513, which require the applicant to provide financial support for housing linkage.

CONCLUSIONS OF LAW

It is in the best interest of the District of Columbia that the applicant be allowed an extension of the time for construction of the PUD. Advancement of production of the housing linkage component is a major benefit. The three-year extension allowed by this order is compatible with the public interest in the timely completion of PUDs.

ZONING COMMISSION
CASE NO. 85-3A
EXHIBIT NO. 21
ZONING COMMISSION
District of Columbia
CASE NO.85-3A
EXHIBIT NO.21

In consideration of the foregoing Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia hereby orders that Condition No. 33 of Z.C. Order 513 be amended to read as follows:

33. The PUD approved by the Zoning Commission shall be valid for a period of five (5) years from April 3, 1987. Within such time, application must be filed for a building permit as specified in 11 DCMR 2406.8. Construction shall start within six (6) years from April 3, 1987.

Vote of the Zoning Commission taken at the special public meeting on May 14, 1987: 3-1 (Maybelle T. Bennett, Patricia N. Mathews, and Lindsley Williams, to approve; John G. Parsons, opposed; George M. White, not present, not voting).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, specifically on 28 AUG 1987.

LINDSLEY WILLIAMS
Chairman
Zoning Commission

EDWARD L. CURRY
Acting Executive Director
Zoning Secretariat

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Government of the District of Columbia

ZONING COMMISSION

Jeff - Final
Page 9 #9

FOR
INFOR

Z.C. ORDER NO.639
Case No. 88-29C
(Planned Unit Development and
Map Amendment at
5th Street and Massachusetts Avenue, N.W.)
January 8, and February 12, 1990

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on February 16 and 23, 1989, to consider the application of Massachusetts Crescent Limited Partnership for approval of a planned unit development, and a related change in zoning from HR/SP-2 to HR/C-3-C. The public hearing was conducted in accordance with the contested case provisions of 11 DCMR 3022.

1. Applicant requests approval of a consolidated planned unit development ("PUD") and change in zoning from HR/SP-2 to HR/C-3-C.

2. The site of the application is Lots 875 and 876, in Square 517, located at the southeast corner of the intersection of 5th Street and Massachusetts Avenue, N.W.

3. As presently before the Commission, the applicant proposes to provide 120 housing units with a floor area ratio ("FAR") of 2.58, a commercial FAR of 5.92, and a total FAR of 8.5, resulting in a structure containing approximately 381,000 square feet of gross floor area. The applicant proposes to devote approximately 253,000 square feet to offices, 12,250 square feet to residentially supporting retail uses, and 107,600 square feet to housing. The site will also provide underground parking for 185 cars with the entrance off of the alley on the south side of the building.

4. The PUD site is within the Judiciary Square area that is addressed in Sections 967 and 968 of the Comprehensive Plan. The site is presently used as a surface parking lot, and encompasses an area of 44,827 square feet.

with the Comprehensive Plan of the District of Columbia.

9. The approval of this application is consistent with the purposes of the Zoning Act.

10. The application can be approved with conditions that ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

11. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District.

12. The Zoning Commission has accorded to the Advisory Neighborhood Commission (ANC) 2C the "great weight" to which it is entitled.

13. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, as amended.

DECISION

1. In consideration of the foregoing findings of fact and conclusions of law herein, the Zoning Commission for the District of Columbia hereby orders approval of this application for consolidated review of a Planned Unit Development and a change of zoning of Lots 875 and 876 in Square 517 from HR/SP-2 to HR/C-3-C, subject to the following guidelines, conditions, and standards.

2. The PUD shall be developed in accordance with the plans prepared by AEPA Architects Engineers, P.C., and HOK Architects, P.C. marked as Exhibits No. 57 and 58 of the record, as modified by the guidelines, conditions, and standards of this Order.

3. The PUD shall be developed as a mixed-use project consisting of a residential component, a general office component, and a retail component. The project shall have 120 residential units.

4. The FAR of the project shall not exceed 8.5.

5. The height of the building at the corner of Massachusetts Avenue and 5th Street shall be 130 feet. Setbacks at 110 feet shall be 1:1 on the Massachusetts Avenue front, and 1:2 on the sides, and as shown on Exhibit 57-A15.

(h) The Applicant shall participate in the Tenant Assistance Program (TAP) by setting aside 20 percent of the units for participation in TAP;

(i) The PUD shall include retail uses, including a drug store;

(j) The applicant shall rehabilitate 120 dwelling units, as designated by DHCD, off-site;

(k) The PUD shall provide for waste storage and collection, as per Exhibit 56(J) of the record;

(l) The proposal shall include retention of the streetscape, as described and shown in Exhibit 56(L); and of play area, as shown in Exhibit 58; and

(m) The PUD shall provide for enclosure of roof top utilities within the building envelope, but the enclosed area shall not count as the use of available gross floor area.

(9) The applicants shall enter into an agreement with the National Park Service to assist in the maintenance of Reservation No. 74. (9) ←

10. The facade design treatment and materials of the proposed building shall be generally consistent with the plans marked as part of Exhibit No. 57 in the record of the case, and the building materials that are shown on Exhibit No. 56(B) of the record.

11. The applicant shall have flexibility with respect to the following:

a. Varying the location and design of all interior components, including partitions, slabs, doors, hallways columns, stairways, location of elevators, electrical and mechanical rooms, provided that the variations do not change the exterior configuration of the building, including the penthouse.

b. Making minor adjustments in the facade and window size and detailing, provided that the applicant shall submit its final facade and window design to the Zoning Commission for final approval, which the Commission may determine to grant without having a further public hearing.

c. Varying the final selection of exterior materials within the color ranges and material types as proposed, based on availability at the time of

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FINAL ORDER
SEE PAGE 12
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ZONING COMMISSION ORDER NO. 642
Case No. 89-8C
(PUD & Map @ North Capitol Plaza)
December 11, 1989

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on July 27, 1989. At that hearing session, the Zoning Commission considered an application from the District of Columbia Department of Housing and Community Development, and the North Capitol Plaza Limited Partnership. The application requested consolidated review and approval of a Planned Unit Development (PUD) and a related amendment to the District of Columbia Zoning Map, pursuant to Chapter 24 and Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on February 7, 1989, requested consolidated review and approval of a PUD and related change of zoning from C-2-A and C-M-3 to C-3-C or, in the alternative from C-2-A to C-M-3 for lot 245 in Square 672.

2. The applicants propose to develop the PUD site with an eight-story mixed-use building containing office, retail and service uses including a day-care facility for children.

3. The PUD site is located on North Capitol Street, between N and Patterson Street, N.E. The PUD site is known as Parcel One in Northeast I Urban Renewal Area, comprises approximately 42,252 square feet of land area, and is currently unimproved.

4. On June 1, 1989, at a special meeting, the Zoning Commission approved, for the purpose of advertising, the applicants' Design Alternatives #1 and #3, as contained in Exhibit No. 34 of the case record. The Zoning Commission indicated that it would also consider, at the public hearing, any alternative

4. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.

5. The approval of this application is consistent with the purposes of the Zoning Act.

6. This application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

7. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.

8. This application is consistent with the Northeast I Urban Renewal Plan.

9. The Zoning Commission has accorded to the Advisory Neighborhood Commission 2C the "great weight" consideration to which it is entitled.

10. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

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 this application for consolidated review of a Planned Unit Development ("PUD") and change of zoning for lot 245 in Square 672 located at the southeast corner of the intersection of North Capitol and N Streets, N.E. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The Planned Unit Development (PUD) and Map Amendment approved herein shall be developed in accordance with the architectural drawings of Vlastimil Koubek, AIA, marked as Exhibit No. ___ of the record.

2. The site shall be developed with a mixture of general office, retail and child care facility uses, as permitted in the C-3-C Zone District, and the headquarters of PSI Associates, Inc.

3. The project shall also contain facilities for rehabilitation and rehabilitation evaluation and treatment services for persons of all ages and ranges of mental and physical handicapping conditions, including

i. Varying the layout of the elevator shaft so as to permit access to each floor by at least one of the elevator banks; and

j. Varying the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, provided that the applicant shall submit the aforementioned to the Zoning Commission for final approval which the Commission may determine to grant without having a further public hearing.

17. The Zoning Commission reserves the discretion to determine the proceedings by which it will consider any matter submitted to it, pursuant to Conditions No. 16(h) and 16(j) of this order.

18. Prior to the issuance of a certificate of occupancy, the applicant shall negotiate an agreement with the U.S. Park Service for the beautification, enhancement and maintenance of the federally-owned park immediately north of the project site at the intersections of North Capitol Street, New York Avenue and N Street, N.E. (U.S. Reservation #183) for a period of not less than 5 years.

19. The applicant shall contribute $750,000.00 toward the establishment of a Community Endowment Fund to benefit the community within the boundaries of ANC 2C. The fund will be administered by the Community Foundation of Greater Washington, an established 501(c) corporation which administers several other endowment funds in the District. The fund will be controlled by a Board consisting of representatives of community organizations and North Capitol Plaza Limited Partnership. Earnings from the Fund provide such community resources as day care, youth employment, recreation, cultural enrichment, crisis and drug prevention and senior citizen services in the community. The fund will have the flexibility to address new concerns and problems that the community faces in the future. North Capitol Plaza Limited Partnership shall pay $400,000.00 to the fund upon receipt of construction financing for the project with the balance up to $750,000.00 paid in twelve regular monthly installments of approximately $29,166.00 each. Copies of payment documents shall be submitted by North Capitol Plaza Limited Partnership to the Office of Planning and Zoning Administrator at the time the $400,000.00 and the subsequent monthly payments are made.

20. No building permit shall be issued until the applicant has filed evidence with the Zoning Regulations Division

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ZONING COMMISSION ORDER NO. 638
CASE NO. 88-32C
(PUD & MAP GRAMERCY)
NOVEMBER 13, 1989

Purusant to notice, a public hearing of the Zoning Commission of the District of Columbia, was held on June 1, 1989. At this hearing, the Zoning Commission considered an application from Rhode Island Associates Limited Partnership for consolidated review and approval of a Planned Unit Development and related map amendment, pursuant to Sections 2400 and 102 of the District of Columbia Municipal Regulations (DCMR), Title 11 Zoning. The public hearing was conducted in accordance with provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The original application, which was filed on October 24, 1988, requested consolidated review and approval of a PUD and related map amendment from SP-2 to C-4 for Lot 824 in Square 182. That application requested approval of a 13-story building consisting of 10 floors of office/retail use and 3 floors of residential use. The total floor area ratio (FAR) for the project was 10.5, of which 8.2 was devoted to office/retail use. The proposed height of the project was 130 feet.

2. The application was subsequently revised on March 30, 1989, in response to a suggestion of the Office of Planning (OP) to decrease the height and bulk of the project. The revised application called for a 10 story building consisting of 8 floors of office/retail use and 2 floors of residential use. The height of the project was reduced from 130 feet to 104 feet and the FAR reduced from 10.5 to 8.5.

3. The PUD site is located at 1616 Rhode Island Avenue, N.W., in an SP-2 zone district, contains a total land area of 32,645 square feet, and presently consists of a vacant hotel. The hotel was formerly known as the Gramercy Inn and built to a height of 90 feet and an FAR of 6.0.

Directly to the north is a Holiday Inn hotel and U.S. Reservation No. 62.

10. The applicant, by written statements and by testimony presented at the public hearing, indicated that project will be of a single, 10-story above-grade structure. The building will consist of 277,900 square feet of gross floor area and a total FAR of 8.5, of which 6.9 FAR will be devoted to commercial uses. The total lot occupancy will not exceed 93 percent. The height will be revised to 106 feet, which would allow the ground floor retail uses to be at grade, in lieu of 2 feet below grade.

11. The residential component of the project, located on floors 9 and 10, will consist of 52 rental units, or no less than 48 rental units. The apartment lobby will be entered through a separate entrance, located at the corner of the site closest to 16th Street on Rhode Island Avenue, N.W. The commercial component, located on floors 1-8, will be entered at the center of the building along the Rhode Island Avenue frontage. The retail component of the project will be located on a portion of the ground floor.

12. The applicant, through its developer, indicated that the following amenties package would apply:

    a. New Rental Housing Units Downtown

       The project will provide rental housing units in the Downtown. The proposed development will include approximately 52 apartments with excellent views of the monumental core of the District. Since housing development must be subsidized, a matter-of-right development on the site would not create housing at this Downtown location within the Central Employment Area.

    b. Replace a Vacant Commercial Use

       The development of a mixed-use residential/commercial project, including approximately 52 rental units, will replace a former hotel, now vacant and deteriorating, with a mix of uses that is compatible with surrounding land uses and consistent with the land use patterns and zoning classifications for the area.

    c. Federal Parkland

       The applicant provided, in its post hearing submission, that the applicant will contribute $75,000 to the National Park Service to be

earmarked toward the cost of maintenance and improvements of U.S. Reservations 62, 63 and 64 located across from the project site. The applicant indicated that this contribution would be made in 3 annual payments of 25,000 with the first payment to be made prior to the issuance of the building permit for the project.

d. Urban Design

The proposed structure will be compatible with existing buildings in the vicinity of the site. The articulated facade will add prominence to a segment of Rhode Island Avenue that is relatively bland in character. The proposed landscaping will enhance the aesthetic quality of the area and create an attractive environment for people in the neighborhood.

e. Revenue for the District

The residential, retail and commercial components of the development will generate revenue for the District. It is anticipated that the annual real estate taxes on the completed development will be approximately $1,200,000. Additional employment, sales and other avenue sources will provide additional dollars for the District.

f. Employment Opportunties

The mixed-use development will create temporary construction jobs and permanent jobs for District residents. It is anticipated that up to 48 full-time and 70 part-time permanent jobs will be created for the retail space, 6 full-time and 12 part-time jobs for the commercial space and 7 jobs for the residential component of the development. The applicant will enter a First Source Employment Agreement to target qualified District residents, especially those in Ward 2, for employment at the site.

g. Minority Business Opportunities

The applicant will work with the Minority Business Opportunity Commission and will enter into a Memorandum of Understanding to provide minority opportunities at all phases of the development.

h. The applicant will contribute $50,000 to the John W. Ross Elementary School at 1730 R Street, N.W. to assist in funding the renovation of the school.

Government of the District of Columbia
ZONING COMMISSION

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See Page 13

ZONING COMMISSION ORDER NO. 629
Case No. 88-16C
(PUD @ 901 New York Avenue, N.W.)
September 11, 1989

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on May 15 and 22, 1989. At those hearing sessions, the Zonig Commission considered an application from the Jerome Golub Realty and Willco Construction Company, Inc. for consolidated review and approval of a Planned Unit Development (PUD), pursuant to Section 2400 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Chapter 30 of the title.

FINDINGS OF FACT

1. The original application, filed on June 14, 1988, requested consolidated review and approval of a PUD for lots 18-20, 23, 27-31, 804-806, 816-819, 821, 823, 827-831, 835-837, 840-852, in Square 372 located at 901 New York Avenue, N.W.

2. The original application was for construction of a 130 foot building for general office and retail use with a gross floor area of 486,250 square feet and an FAR of 9.5 The office building was intended to provide the economic support for a second mixed use PUD with 145 apartment units at 910 M Street, N.W. in Square 369 (Z.C. Case No. 88-17C). The PUDs were to be considered as one project. The 910 M Street PUD also included a small SP-type office component.

3. On November 8, 1988, the applicants withdrew Case No. 88-17C (PUD @ 910 M Street in Square 369), pursuant to 11 DCMR 3029.3.

4. On November 21, 1988, the applicants submitted a revised PUD application. The revised application included two sets of architectural drawings for the proposed project (Scheme A and Scheme B).

conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

7. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.

8. The Zoning Commission has accorded to the Advisory Neighborhood Commission 2C the "great weight" consideration to which it is entitled.

9. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

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 this application for consolidated review of a Planned Unit Development ("PUD") for Lots 18-20, 23, 27-31, 804-806, 816-819, 821, 823, 827-831, 835-837, 840-852, in Square 372 located at 901 New York Avenue. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The Planned Unit Development ("PUD") shall be developed in accordance with the plans prepared by Clark, Tribble, Harris and Li Architects marked as Exhibit No. 35B of the record as modified by the guidelines, conditions and standards of this Order.

2. The PUD project shall be developed as a general office building with a ground floor retail component.

3. The height of the building shall not exceed one hundred and thirty (130) feet excluding the roof structure. Setbacks shall be as shown on Exhibit No. 35B.

4. The floor area ratio ("FAR") of the project shall not exceed 9.5.

5. The total lot occupancy of the project shall not exceed eighty-six percent (86%) of the site.

6. The applicants shall provide a minimum of 288 parking spaces, consisting of full size, compact and handicapped spaces. The applicants may provide additional parking in the vault space as shown on the plans, Exhibit No. 35B.

7. The project shall include the amenities package proposed as part of this application and described in detail in findings and record of this case, as follows:

   a. The applicants shall provide funding for the purchase of the building at 919 L Street, N.W. containing 23 apartment units for the 919 L Street Tenants Association.

   b. The Tenants Association shall use the building for housing families of low and moderate income.

   c. The applicants shall provide for the renovation and return to the District of 149 city-controlled housing units for low and moderate income families. The units to be renovated are as follows:

3275 15th Place,S.E.	13 units
3281 15th Place, S.E.	13 units
3287 15th Place, S.E.	13 units
2525 Minnesota Ave., S.E.	40 units
1624 27th Street, S.E.	27 units
706 Brandywine St., S.E.	13 units
1424 W Street, N.W.	20 units
336 Adams Street, N.E.	8 units
1343 First Street, N.W.	2 units

   d. The PUD shall include approximately 30,000 square feet of floor space devoted to Convention Center support, retail, and service space.

   e. The PUD shall provide approximately 5,000 square feet of public open space along New York Avenue.

   f. The applicants shall improve the public space surrounding the building including improving the streetscape in compliance with and exceeding D.C. Streetscape regulations. The applicants shall have the flexibility depending upon the species of trees to reduce the height of the planters along K Street and have the planters a maximum of no more than two feet above the adjacent grade.

   g. The applicants shall enter into and comply with the terms of a written agreement between them and the National Park Service (NPS) to address improvements and maintenance of U.S. Reservations 70 and 175 adjacent to the PUD site. The Zoning Secretariat shall not release the record of this case to the Zoning Regulations Division of DCRA until the applicants have filed a copy of the required agreement between them and NPS.

AGREEMENT
for
IMPROVEMENT AND MAINTENANCE
of
U.S. RESERVATION 70 and 175
by
SQUARE 372 ASSOCIATES LIMITED PARTNERSHIP

THIS AGREEMENT made this 28th day of February, 1991, among the **UNITED STATES OF AMERICA**, acting by and through the Department of the Interior, National Park Service, National Capital Region (hereafter referred to as the "NPS"); **SQUARE 372 ASSOCIATES LIMITED PARTNERSHIP**, a District of Columbia general partnership (hereafter referred to as the "Square 372 Associates"); and the **NATIONAL PARK FOUNDATION**, a charitable and nonprofit corporation (hereafter referred to as the "NPF").

WITNESSETH:

WHEREAS, pursuant to the Act of August 25, 1916 (39 Stat. 535; as amended and supplemented, 16 U.S.C. 1 et seq.), the NPS administers areas of the National Park System which are located in the District of Columbia and its environs; and

WHEREAS, U.S. Reservation 70 and 175, located at Mount Vernon Square N.W., in Washington D.C., and bounded by 9th Street, N.W., on the east, and 7th on the west, and Mount Vernon Place Street, N.W., on the north, and K Street, N.W., on the south, consisting of approximately 11,395 square feet, is a part of the National Park System; and

WHEREAS, pursuant to the Act of June 5, 1920 (41 Stat. 917; 16 U.S.C. 6), the NPS is authorized to accept donations of property and money for the National Park System; and

WHEREAS, the NPF was established by the Act of December 18, 1967 (81 Stat. 656; 16 U.S.C. 19e) "to encourage ... gifts of ... property or any income therefrom ... for the benefit of ... the National Park Service"; and

WHEREAS, Square 372 Associates is the owner of that certain parcel of land immediately east of U.S. Reservation 175 bounded by 9th Street, N.W., 10th Street, N.W., K Street, N.W and New York Avenue, N.W., in Washington, D.C., identified as Lot 33 in Square 372 (hereafter referred to as the "Site"); and

WHEREAS, Order No. 629, 629A (hereafter referred to as the "Zoning Order") of the Zoning Commission of the District of Columbia (hereafter referred to as the "Zoning Commission") governs

the development of the Site; and

WHEREAS, pursuant to the requirements of the Zoning Order, Square 372 Associates intends to construct on the Site an office/retail building (hereafter referred to as the "Building"); and

WHEREAS, pursuant to the requirements of the Zoning Order, Square 372 Associates is obligated to construct certain improvements on, and make certain improvements to, U.S. Reservation 175 (hereafter referred to as the "Improvements"), all as set forth on the plans denoted (i) LSK-1.0, First Floor Plan, dated February 29, 1990, prepared by Clark, Tribble, Harris and Li, (ii) LSK-3.0, Sections Thru Planter, dated February 29, 1990, prepared by Clark, Tribble, Harris and Li, (iii) LSK-3.1, Stairs Detail, dated February 29, 1990, prepared by Clark, Tribble, Harris and Li, and (iv) LSK-4.0, Site/Planting Plan, dated February 29, 1990, prepared by Clark, Tribble, Harris and Li, assigned NCP File No. 876-85710, copies of which are retained among the files and records of the NPS and Square 372 Associates, and incorporated herein; and

WHEREAS, Square 372 Associates is obligated to maintain U.S. Reservation 70 and 175, shown on the above-referenced plans, once the Improvements are completed; and

WHEREAS, in lieu of maintaining the Improvements within U.S. Reservation 70 and 175 identified above, Square 372 Associates desires to pay to the NPF the sum of $50,000.00 (Fifty Thousand Dollars) as an endowment for the continual maintenance of the Improvements within U.S. Reservation 70 and 175 identified above (hereafter referred to as the "Endowment"); and

WHEREAS, the NPS desires to accept the Improvements; and

WHEREAS, the NPS desires that the NPF accept and administer the Endowment; and

WHEREAS, the NPF desires to accept and administer the Endowment.

NOW THEREFORE, the NPS, Square 372 Associates, and the NPF agree as follows:

I. The NPS agrees:

A. To allow Square 372 Associates to construct the Improvements in accordance with the renovation plan and standards approved by the NPS by letter dated February 28, 1990, and attached hereto as Attachment A, and incorporated herein.

B. To cooperate with Square 372 Associates to facilitate

Government of the District of Columbia
ZONING COMMISSION

JEFF - FINAL ORDER
PAGE 12 #19
ADOPT A PARK
PLEASE RETAIN
FILE ON THIS

ZONING COMMISSION ORDER NO. 586
CASE NO. 88-2C
Wynmark Development Corporation PUD
August 8, 1988

Pursuant to notice, a public hearing of the Zoning Commission of the District of Columbia, was held on June 20, 1988. At this hearing, the Zoning Commission considered an application from Wynmark Development Corporation ("Applicant") for consolidated review and approval of a Planned Unit Development pursuant to Section 2400 of the District of Columbia Municipal Regulations DCMR Title 11 Zoning. The public hearing was conducted in accordance with the provisions of Chapter 30 of that Title.

FINDINGS OF FACT

1. The original application was filed on January 22, 1988, requesting consolidated review and approval of a PUD for Lots 805, 806, 807 and 808 in Square 26. The application requested approval for a 9-story office building consisting of 1 floor of retail, 4 floors of office and 4 floors of residential. The total Floor Area Ratio ("FAR") for the project was 8.31, of which 4.68 was commercial and 3.63 residential.

2. The application was thereafter revised on March 10, 1988 in response to a suggestion by the Office of Planning ("OP") that one floor of commercial be converted to residential, thereby decreasing the commercial component from 4.68 to 3.72 FAR and increasing the residential component from 3.63 to 4.59 FAR.

3. At the hearing, the Applicant again revised its application, in response to concerns raised both by OP and by Advisory Neighborhood Commission ("ANC") 2A regarding the height of the building. The Applicant decreased the height from 102 feet to 90 feet, thereby reducing the total number of floors to 8. The project as revised, was to include one floor of retail, 4 floors of office and 3 floors of residential. The total FAR for the project was 7.32, of which 4.55 was non-residential and 2.77 was residential. The total

developments, which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under the matter-of-right development.

3. The development of this PUD is compatible with city-wide goals, plans and programs and is sensitive to the Environmental Protection and Energy Conservation Act.

4. The approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.

5. The approval of this application is consistent with the purposes of the Zoning Act.

6. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and assure neighborhood stability.

7. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map of the District.

8. The Zoning Commission has accorded to the ANC 2A the "great weight" to which it is entitled.

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 this application for consolidated review of a Planned Unit Development for Lots 805, 806, 807 and 808 in Square 26 for the site located on the northwest corner of Pennsylvania Avenue and 24th Street, N.W. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The Planned Unit Development ("PUD") shall be developed in accordance with the plans prepared by the architectural firm of Keyes, Condon and Florance, marked as Exhibits No. 5, 16B, 19B, 43, and 50 of the record and as modified by the guidelines, conditions and standards of this Order.

2. The PUD site shall be developed as a mixed-use building consisting of retail, office and residential.

3. The floor area ratio for the building shall not exceed 7.66.

17. The applicant shall have flexibility with respect to the following matters:

    a. Varying the location and design of all interior components, including partitions, structural, slabs, doors, hallways, columns, stairways, location of elevators, electrical and mechanical rooms, provided that the variations do not change the exterior configuration of the building including the penthouse;

    b. Making minor adjustments in the facade, window and balcony detailing, including the flexibility to shift the location of the doors to the retail uses on the ground floor and vary the type of paneling used on the retail frontage in order to accommodate the different types of retail uses;

    c. Varying the location and type of exterior lighting fixtures;

    d. Varying the species of plant materials;

    e. Varying the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction; and

    f. Varying the arrangement of the parking spaces and modification to the below-grade space to provide the opportunity for storage and other space to serve the proposed users of the building, so long as such modification does not reduce below 74 the number of below-grade parking spaces to be provided.

    g. Increase the minimum recreation space on the roof top in response to refinements to the mechanical penthouse plans.

18. The applicant shall contribute $25,000 towards the landscaping and improvement of the West End Public Library at 24th and L Streets, N.W.

19. The applicant shall make application to enter into an agreement with the U.S. Park Service to improve and maintain the U.S. Reservation 24, located at the western portion of the Square, at 25th and L Streets, N.W.

20. The applicant shall coordinate with the Department of Public Works to plant twenty-five (25) off-site street trees at a 3½" to 4½" caliper in the community surrounding the project.

Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 563 (Amended)
Case No. 87-23C
(Art Club of Washington, 2001 Associates,
2011 Eye Land Limited Partnership, and
Electronic Industries Association)
February 8, 1988
(Amended March 17, 1988)

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on October 5, 1987. At this hearing, the Zoning Commission considered an application from 2001 Eye Land Limited Partnership and the Electronic Industries Association for consolidated review and approval of a Planned Unit Development ("PUD"), pursuant to Section 2400 of Title 11, District of Columbia Municipal Regulations ("DCMR"), Zoning. The public hearing was conducted in accordance with the provisions of Chapter 30 of that title.

FINDINGS OF FACT

1. The application was filed on May 19, 1987 and requested consolidated review and approval of a Planned Unit Development ("PUD") for Lots 35, 36, 37 and 846 in Square 78. The property is currently zoned C-3-C; the applicants have not requested any change in zoning.

2. The PUD site is located at the northwest corner of the intersection of 20th and I Streets, N.W., directly to the north of Public Reservation No. 29 and Pennsylvania Avenue, N.W.

3. The PUD site is comprised of approximately 28,645 square feet and is presently improved by several structures. Lot 35 is improved by a nine-story building with the address of 2001 "I" Street, N.W. This office building contains the offices of the Electronic Industries Association. Lot 36 is improved by a vacant six-story office building, with the address of 2007 Eye Street, N.W. (formerly the Medical Society Building). Lot 37 is improved by a newly-renovated eight-story office building with the address of 2011 I Street, N.W. Lot 846 is improved by two historic structures which house the Arts Club of Washington.

types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

3. The Commission concurs with the advice given by the Office of the Corporate Counsel about the authority of the Commission with respect to height and the transfer of development rights.

4. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.

5. Approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia.

6. The approval of this PUD application is consistent with the purpose of the Zoning Act.

7. The proposed application can be approved with the conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

8. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.

9. The Zoning Commission has accorded to the Advisory Neighborhood Commission (ANC) 2A the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the District of Columbia Zoning Commission hereby orders APPROVAL of this application for consolidated review of a planned unit development ("PUD") for Lots 35, 36, 37 and 846 in Square 78 at the northwest corner of the intersection of 20th and I Streets, N.W. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The Planned Unit Development ("PUD") shall be developed in accordance with the plans submitted by Skidmore, Owings and Merrill, Architects, and Davis Buckley, Executive Architect, marked as Drawings Nos. 4, 5, 8, 12, and 14 of Exhibit No. 3; Drawing Nos. 10R, 13R and 16 of Exhibit No. 39; and Drawing Nos. 2R, 3R, 6R, 7R, 11R, 17R, 18, 19 and 20 of Exhibit No. 50, as modified by the guidelines, conditions and standards of this

(1%) of the actual construction costs of the base building at the time of construction contract award, and shall follow the regulations and guidelines set forth by the D.C. Commission on the Arts and Humanities. The artist(s) and art location will be jointly agreed to by 2001 Associates in conjunction with the D.C. Commission on the Arts and Humanities.

39. 2001 Associates shall enter into an agreement with the National Park Service to "adopt" the triangular park known as Public Reservation No. 29, and shall provide $25,000.00 for immediate improvements to the reservation and shall maintain the reservation for a five year period. The initial $25,000.00 contribution will be made at the time of the issuance of the Building Permit for the New Building, provided that in the event the aforesaid agreement is not completed at the time of the issuance of the Building Permit, such funds shall be placed in escrow for such purposes. At the time of the issuance of the Building Permit, 2001 Associates shall expend $15,000.00 on a design study for the long-term improvement of the two Public Reservations bounding Pennsylvania Avenue, N.W. between 20th and 21st Streets, N.W.

40. 2001 Associates shall implement the First Source agreement with the Department of Employment Services filed in the record as part of Exhibit No. 39.

41. 2001 Associates shall implement the Memorandum of Understanding with the Minority Business Opportunity Commission filed in the record as part of Exhibit No. 39.

42. 2001 Associates is granted flexibility in the final detailing of the New Building with respect to the following matters:

a. Varying the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, location of elevators, electrical and mechanical rooms, so long as the variations do not change the exterior configuration of the building, including the penthouse.

b. Varying the design and arrangement of components within the mansard enclosure of the penthouse, and permit mechanical louvers

MA#8-131
JEFF - SEE
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Government of the District of Columbia
ZONING COMMISSION

FOR YOUR INFORMATION

I DID NOT PARTICIPATE IN THIS CASE AND THUS WAS NOT AWARE OF THIS. I THINK THE $25,000 DONATION SHOULD GO TO THE ASMALL PARKS AT MT. VERNON SQUARE RATHER THAN THE SQUARE.

ZONING COMMISSION ORDER NO. 556
Case No. 87-19C
January 11, 1988
(PUD @ 1001 New York Avenue, N.W.)

Pursuant to notice, a public hearing of the Zoning Commission for District of Columbia was held on September 21 and 24, 1987. At those hearing sessions, the Zoning Commission considered an application from the Hadid Development Corporation for consolidated review and approval of a Planned Unit Development (PUD), pursuant to Section 2400 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Chapter 30 of that title.

FINDINGS OF FACT

1. By Z. C. Order No. 532 dated May 11, 1987, the Zoning Commission denied, without hearing and without prejudice, the original application in Z.C. Case No. 87-19C.

2. That application, which was filed on March 31, 1987, requested consolidated review and approval of a PUD and map amendment from HR/C-3-C to C-4 for lots 8, 17, 811, 812, and 826 through 828 in Square 343 located at 1001 New York Avenue, N.W.

3. The applicant proposed to construct a twelve-story retail/office building with approximately 17,000 square feet of retail/office space on the first level below grade, 8,000 square feet of retail on the ground level, and 210,000 square feet of office on levels two through twelve. The building would have had a height of 130 feet and a floor area ratio (FAR) of 9.5.

4. The applicant further proposed to provide an internal atrium; underground parking for 166 automobiles; upgrade the median strip along New York Avenue, and the grounds, including lighting, of the Old Carnegie Library, and contribute $1.15 million for acquisition and rehabilitation of low-moderate income housing off site, within the Shaw area.

5. By letter dated May 21, 1987, counsel for the applicant requested the Commission to reconsider its decision to deny the application without hearing. The applicant

District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.

7. The Zoning Commission has accorded to the Advisory Neighborhood Commission 2C the "great weight" to which it is entitled.

8. The conditions which require the applicant to produce a housing linkage are appropriate for the Commission to accept, in light of the Zoning Act and the particular circumstances, of this case. The Commission believes that, pursuant to 11 DCMR 2400, its authority is broad enough to effectuate the development of a stock of housing in the District of Columbia.

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 this application for consolidated review of a Planned Unit Development for lots 8,17,811,812, and 826 through 828 in Square 343 located at 1001 New York Avenue, N.W. The approval of this PUD application is subject to the following guidelines, conditions, and standards:

1. The planned unit development shall be developed substantially in accordance with the plans marked as Exhibits No. 7, 30B, 64B, and 78, as modified by the guidelines, conditions, and standards of this order.

2. The site shall be developed with a mixture of office and retail uses as permitted in the HR/C-3-C Zone District. The project shall contain retail space at grade and below grade, including a restaurant and outdoor cafe at grade, in accordance with the plans marked as Exhibit No. 30B. The entire structure and garage shall have a complete sprinkler system that is designed and installed per NFPA Standard No. 13, 1987 edition.

3. The floor area ratio for the building on the site shall not exceed 9.3.

4. The height of the building shall not exceed 130 feet. The top floors of the building shall be setback, as shown on Exhibit No. 78.

5. The lot occupancy shall not exceed 91.7 percent.

6. The development shall include a parking garage that contains a minimum of 163 spaces, consisting of full size, compact and handicapped spaces. The parking garage may be marketed for use by persons other

rental or ownership, but shall be occupied by families that meet the DHCD creteria for low and moderate income families.

16. In the covenant which is required by condition numbered 24 of this order, the applicant shall include a provision which insures that any increase in the value of any housing unit shall accrue to the benefit of the housing linkage project as a whole, and not to any individual owner of a housing linkage unit.

17. No certificate of occupancy shall be issued for the top three (3) floors of the PUD project at 1001 New York Avenue, N.W., until the forty-four (44) off-site housing units at 1223 and 1229 - 12th Street, N.W. have been rehabilitated and made ready for occupancy.

    a. A "conditional" certificate of occupancy may be issued for the top three (3) floors of the PUD project, after a certificate of occupancy has been issued for the forty-four (44) housing units at 1223 and 1229 - 12th Street, N.W.

    b. That "conditional" certificate of occupancy shall become unconditional upon the completion and readying for occupancy of all of the additional sixteen (16) off-site housing units, including the issuance of any certificate of occupancy which may be required for those units. If the sixteen (16) additional units are not made ready for occupancy within nine (9) years from the effective date of this order, the "conditional" certificate of occupancy for the top three (3) floors of 1001 New York Avenue, N.W. shall expire.

18. The applicant shall contribute the sum of $25,000.00 to the U.S. Park Service for the beautification and enhancement of the Mt. Vernon Square Parks.

19. The applicant shall contribute the sum of $25,000.00 to the Arts Committee of the Washington Convention Center to be used towards the beautification and enhancement of the Convention Center Plaza.

20. The applicant shall enter into a Memorandum of Understanding with the Minority Business Opportunity Commission which provides that the applicant will make a bona fide effort to award at least thirty-five (35) percent of the construction-related contracts for the project to Certified Minority Business Enterprises.

21. The applicant shall enter into a Memorandum of Understanding with Advisory Neighborhood Commission - 2C which provides that the applicant will work with ANC-2C residents and minority contractors and

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Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 538
Case No. 86-32C
(26th & L Streets - PUD)
July 23, 1987

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on April 9 & 16, 1987. At those hearing sessions, the Zoning Commission considered applications from the 26th & L Limited Partnership for consolidated review and approval of a Planned Unit Development (PUD) and related map amendment, pursuant to Sections 2400 and 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Chapter 30 of that title.

FINDINGS OF FACT

1. The original application, which was filed on December 15, 1986, requested consolidated review and approval of a PUD for Lots 811, 810, 809, 35 and 36 in Square 15 and related change of zoning for lots 810, 809, 35 and 36 from R-5-D to C-2-C. Lot 811 is presently zoned C-2-C.

2. The original application contained a plan to develop a ten-story (10) predominantly residential building containing up to seventy (70) apartments, approximately 3700 square feet of retail space on the entry level, and underground parking for forty-six (46) cars.

3. Subsequent to various meetings with Advisory Neighborhood Commission 2A (ANC 2A), other community groups, the District of Columbia Office of Planning (OP) and other government agencies, the applicant submitted a revised application at the April 9, 1987 hearing. The revised application is for a ten-story (10) building with up to sixty-two (62) large-sized rental apartments, limited non-residential space on the top floor and neighborhood-serving retail space with an entrance to the parking area on the entry level.

2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned residential, institutional, commercial and mixed use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.

3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.

4. The approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia.

5. The approval of this application is consistent with the purposes of the Zoning Act.

6. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

7. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District.

8. The Zoning Commission has accorded to the Advisory Neighborhood Commission (ANC) 2A the "great weight" to which it is entitled.

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 this application for consolidated review of a Planned Unit Development for lots 811, 810, 809, 36 and 35 in Square 15 and change of zoning from R-5-D to C-2-C for lots 810, 809, 36 and 35 in Square 15 located at the southeast corner of the intersection of 26th and L Streets, N.W. The approval of this PUD and change of zoning are subject to the following guidelines, conditions and standards:

1. The Planned Unit Development (PUD) shall be developed in accordance with the plans prepared by the architectural firm of Hugh Newell Jacobsen, FAIA, marked as

25. The primary materials for the east facade will be stucco with reveals to replicate the L Street facade. The south facade material shall be stucco. All facades shall have a mansard roof.

26. Loading areas, driveways, and walkways shall be located on the site, as shown on Exhibit 47 of the record. One loading/service area, measuring 14 x 30 feet shall be provided as shown on Exhibit 47 of the record.

27. No less than 1.6 percent of the gross floor area shall be devoted to residential recreation space accessible to the handicapped who cannot climb stairs. The total residential recreation space shall be 7.6 percent of the gross floor area.

28. The trash dumpster shall be located inside the apartment building as shown on Exhibit 47.

29. The hours of construction shall be limited to from 7:00 a.m. to 7:00 p.m., excluding Saturdays, Sundays, or holidays.

30. The hours of trash collection shall be limited to 9:00 a.m. to 4:00 p.m. Monday to Friday, excluding holidays.

31. Landscaping and street-level lighting shall be provided as shown on Exhibit 48B of the record.

(32.) The applicant shall improve and maintain U.S. Reservatio No. 23, the Federal property located to the north of the subject site across L Street, in accordance with the terms and conditions established by the National Park Service. ⇐

(33.) The applicant shall improve and maintain the District of Columbia property located to the west of the subject site along 26th Street, in accordance with an agreement between the applicant and the District of Columbia Department of Administrative Services, dated April 9, 1987.

34. The applicant shall implement the Department of Employment Services Agreement, dated April 1, 1987, in connection with the development of the site.

35. The applicant shall implement the Minority Business Opportunity Commission Memorandum of Understanding, dated April 9, 1987, in connection with the development of the site.

(corrected)

Government of the District of Columbia
ZONING COMMISSION

JEFF Page 20
#8

ZONING COMMISSION ORDER NO. 513 *
CASE NO. 85-3C
January 12, 1987
(1215 I Street - PUD)

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on September 11, 1986. At that hearing session, the Zoning Commission considered an application from 1215 I Street, N.W. Associates Limited Partnership for consolidated review and approval of a planned unit development (PUD), and a map amendment, pursuant to Sections 7501 and 9101 of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The subject application, which was originally filed on March 15, 1985, and later amended, requests consolidated review and approval of a PUD, and an amendment to the Zoning Map to extend the C-4 District east by one lot to include the applicant's property at Square 285, Lot 48. The site is presently zoned HR/C-3-C and abuts the C-4 District on the west and south.

2. The subject application constitutes a modification to an application (Z.C. Case No. 85-3) to amend the Zoning Map from HR/C-3-C to C-4, without a PUD. In response to the Office of Planning's preliminary report filed on June 28, 1985, the applicant requested that the Zoning Commission defer its decision as to whether to grant a public hearing.

3. The Zoning Commission granted this request at its regular monthly meeting of July 8, 1985. The applicant then modified its initial application to include a PUD in addition to the map change that was requested previously.

* NOTE: This order is amended by Z.C. Orders No. 513A & 513B.

review of a Planned Unit Development and change of zoning from HR/C-3-C to C-4 for lot 48 in Square 285 at 1215 I Street, N.W. The approval of this PUD and change of zoning are subject to the following guidelines, conditions, and standards:

1. The planned unit development shall be developed substantially in accordance with the plans marked as Exhibits No. 22 and 37, as modified by the guidelines, conditions, and standards of this order.

2. The site shall be developed with a mixture of office and retail uses as permitted in the C-4 District.

3. The floor area ratio for the building on the site shall not exceed 10.0.

4. The proposed building at 1215 I Street shall be connected above grade and at the garage level to the existing building at 1225 I Street.

5. The height of the building shall not exceed 130 feet, as measured from 13th Street.

6. The percentage of lot occupancy shall not exceed 88 percent of the site.

7. The development shall include a parking garage as shown on the plans marked as Exhibit No. 37. This garage will contain a minimum of 139 full size spaces, of which 7 will be van spaces. The applicant shall be permitted to provide stacked parking in the garage, pursuant to Section 7204.4 of the Zoning Regulations.

8. The applicant shall enter into an agreement with the National Park Service to "adopt" the triangular park known as Reservation No. 173 and shall assume all costs and responsibility for maintaining that park for a five-year period, wit the applicant automatically renewing such adoptio for two additional five-year periods, provided that the cost of maintenance has not increased more than ten percent per year during the previou term.

9. The applicant shall provide financial support sufficient to establish 150 rehabilitated dwelling units at locations which are set forth in Exhibit No. 78 in this record.

10. 75 of the units required by condition numbered 9 of this order shall be ready for occupancy within

copy of said Covenant for the records of the Zoning Commission.

33. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of this order. Within such time, application must be filed for a building permit as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three (3) years of the effective date of this order.

34. The Commission shall retain limited jurisdiction over this case for the purpose of monitoring compliance by the applicant with conditions numbered 9 through 13 of this order. The Commission does not intend through this condition to supervise any aspect of the housing linkage developments which is not governed by this order.

Vote of the Zoning Commission taken at the public meeting on October 6, 1986: 4-1 (Maybelle T. Bennett, Lindsley Williams, George M. White, and Patricia N. Mathews, to approve with conditions; and John G. Parsons, opposed).

This order was adopted by the Zoning Commission at the regular public meeting on January 12, 1987, by a vote of 3-1 (Maybelle T. Bennett, Lindsley Williams, and Patricia N. Mathews, to approve with conditions; John G. Parsons, opposed; and George M. White, not present, not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon pubication in the D.C. Register, specifically on 03 APR 1987.

Patricia N. Mathews
PATRICIA N. MATHEWS
Chairperson
Zoning Commission

EDWARD L. CURRY
Acting Executive Director
Zoning Secretariat

zcorder513/LJP13

Government of the District of Columbia
ZONING COMMISSION

FOR YOUR INFORMATION
Jeff-
This is the final order
2/5/87

ZONING COMMISSION ORDER NO. 512
Case No. 86-1C
December 8, 1986
(Boston Properties - PUD)

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on July 17 and 24, 1986. At those hearing sessions, the Zoning Commission considered an application from the Square 35 Residential Joint Venture for consolidated review and approval of a Planned Unit Development (PUD) and related map amendment, pursuant to Sections 7501 and 9101 of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of the Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application, which was filed on February 6, 1986, requests consolidated review and approval of a PUD and related change of zoning for lot 802 in Square 35 from R-5-B to CR. The developer of the PUD site is Boston Properties.

2. The PUD site includes portions of public alleys immediately to the north and west of lot 802, which are proposed to be closed.

3. The PUD site is in the West End area of the city, is bounded by 23rd Street to the east, N Street to the south, Francis Junior High School to the west, and Rock Creek Park to the north; and consists of approximately 24,460 square feet of land area including approximately 21,328 square feet for lot 802, and approximately 3,132 square feet for the alleys.

4. The applicant proposes to construct a mixed-use residential and office building.

5. On March 10, 1986, the Zoning Commission authorized the scheduling of a public hearing for this case and determined that it would also

2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned residential, institutional, commercial and mixed use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.

3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.

4. The approval of this application sis not inconsistent with the Comprehensive Plan of the District of Columbia.

5. The approval of this application is not inconsistent with the Judiciary Square Master Plan.

6. The approval of this application is consistent with the purposes of the Zoning Act.

7. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

8. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District.

9. The Zoning Commission has accorded to the Advisory Neighborhood Commission (ANC) 2B the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the District of Columbia Zoning Commission hereby orders APPROVAL of this application for consolidated review of a Planned Unit Development and change of zoning from R-5-B to CR for lot 802 and public alleys proposed to be closed in Square 35 at 2301 N Street, N.W. The approval of this PUD and change of zoning are subject to the following guidelines, conditions, and standards:

1. The PUD shall be developed as a mixed-use project in accordance with the plans prepared by Lockman Associates, marked as Exhibits No. 23, 48a, 64, and 79a of the record, as modified by the guidelines, conditions and standards of this order.

2. The floor area ratio of the project shall not exceed 4.05 (1.87 FAR max. office use and 2.18 FAR max. residential use), excluding roof structures.

3. The height of the project shall not exceed sixty-five (65) feet, excluding roof structures.

4. The lot occupancy of the project shall not exceed seventy-five (75) percent.

5. Antennas shall be permitted on the roof of the building subject to the regulations in effect at the time that the antennas are to be erected.

6. A minimum of ninety-nine (99) off-street parking spaces shall be provided. In addition, applicant shall make available to the community at the applicant's cost, the use of the office building garage during off-hours, that is, at least from 6:00 P.M. to 7:00 A.M. weekdays and all day on weekends. Access to parking shall be by a card key system or similar entry mechanism or by security guard.

7. Loading and unloading facilities shall be provided within the first garage level and garage circulation for trucks shall be provided by a "through-building" system with ingress from 23rd Street, and egress from the 24th Street cul-de-sac newly created as a part of this development to provide a terminus to 24th Street, N.W.

8. Landscaping shall be provided, as shown on sheet Z-7 of Exhibit No. 23.

9. The design of the north terrace wall shall be as shown on Exhibit No. 79a.

10. The applicant shall participate in a rideshare program, in conjunction with other subject programs, and coordinate with the D.C. Rideshare Coordinator in order to minimize the on-site parking demand and to encourage ridesharing among the employees of the project.

11. All final material and color selections are subject to the approval of the Commission of Fine Arts.

12. Prior to the issuance of a building permit, the

applicant shall establish an interest-bearing escrow account, or post a letter of credit for not less than $50,000.00 to be used for improvements to the National Park Services property located to the north of the subject site.

13. The applicant shall pay for all on-going operating and maintenance costs for the new lights proposed to be installed on public property in connection with the project.

14. Prior to issuance of the office component Certificate of Occupancy, the applicant will perform the following:

a. The applicant shall, at its sole cost and expense, create a terminus cul-de-sac for 24th Street, north of N Street, subject to the approval of the Board of Education and National Park Service;

b. Several existing large cherry trees will be relocated to the triangular parcel of land east of 23rd Street behind the existing residential buildings. Additional existing cherry trees will be transplanted in the park, subject to National Park Service approval;

c. The two existing eastern most tennis courts will be resurfaced. The existing basketball court will be repaved and new backboards installed subject to the approval of the D.C. Department of Recreation;

d. The existing parking lots behind the school will be repaved and the area adjacent to the western end of the school will be regraded and landscaped subject to the approval of the Board of Education;

e. The D.C. Board of Education shall be given an initial grant for use at Francis Junior High School of $10,000.00; and

f. After the first year, the applicant will provide an annual grant of $5,000-$10,000 to the Board of Education for use at Francis Junior High School for physical improvements or for educational programs. The grant shall be for no less than thirty (30) years, or until the demise of the school or the PUD, whichever comes first.

15. Subject to the approval of the appropriate District of Columbia agencies, applicant shall apply for a permit to construct and will construct if said permit is issued the following improvements in the immediate neighborhood of the subject site east of 23rd Street N.W.: