Government of the District of Columbia

ZONING COMMISSION

October 20, 2004

M E M O R AND U M

TO: Zoning Commission Members

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

SUBJECT: Z.C. Case No. 01-13A
(Request For Minor Modifications – International Monetary Fund HQ2)

On September 30, 2004, the International Monetary Fund (the Applicant) requested minor modifications to Zoning Commission Order No. 960 (Revised), effective July 12, 2002. The Applicant requests that the two conditions in the order be modified. First, the Applicant requests that the Zoning Commission modify the amenity set forth in Condition No. 8(a), which provides for the replacement of benches in the four triangular adjacent to the site. Although the Applicant is prepared to perform the amenity set forth in Condition No. 8(a), the Applicant has been informed by the National Park Service that the amenity is no longer acceptable and that the Applicant may not perform the amenity. Through discussions with the National Park Service, the Applicant proposes a replacement amenity which provides for a design of a new, segmented park bench prototype and the ongoing enhanced maintenance of three of the four triangular parks.

Second, the Applicant requests that the Zoning Commission modify the timing for the amenity set forth in Condition No. 8(e), which relates to special neighborhood beautification projects. As a result of the uncertainty with respect to the replacement of the benches discussed above, the Applicant is unable to comply with the timing set forth for completion of the neighborhood beautification projects. The proposed neighborhood beautification projects, which are discussed in the Applicant's submission, have been identified and endorsed by the District Department of Transportation and will be constructed by Green Spaces for D.C., a non-profit entity set up to accept private funds

ZONING COMMISSION
District of Columbia
CASE NO. 01-13-A
EXHIBIT NO. 6

ZONING COMMISSION
District of Columbia
CASE NO.01-13A
EXHIBIT NO.6

for this purpose. The Applicant proposes a revised timeframe which will ensure that the Applicant performs its required amenity prior to the issuance of the certificate of occupancy.

The Applicant requests that the minor modifications be processed on the Commission's consent agenda at the October 25, 2004, public meeting. Section 3030 of the Zoning Regulations provides for the Commission's approval of minor modifications on its Consent Calendar agenda when appropriate. As detailed further below, it is recommended that this request for Consent Calendar approval for the minor modifications requested be granted at the Commission's October 25, 2004, public meeting.

Below, in summary fashion, are the written comments and recommendations to the Zoning Commission pursuant to **Section 3030 Consent Calendar**.

3030.1 N/A

3030.2 The request is for minor modifications to the PUD as approved in Zoning Commission Order No. 960 (Revised). The Applicant requests minor modifications to: (1) revise Condition No. 8(a) to provide a replacement amenity for the installation of the segmented benches; and (2) revise Condition No. 8(e) to modify the required timeframe for completion of the amenity related to the neighborhood beautification projects. The revised Conditions and basis for each are set forth in detail in the Applicant's request.

Section 3030.2 provides for minor modifications that are of "little or no importance or consequence." The requested modifications are minor in that they do not affect the essential elements of the approval given by the Zoning Commission for this project, such as use, height, gross floor area, lot occupancy, setbacks or number of parking spaces. Furthermore, the total amount of money provided for the off-site community amenity package remains unchanged and the proposed substitute amenity for park benches is very similar to the approved amenity, which can no longer be performed. Similarly, the revised timing for the special neighborhood beautification projects will ensure that the Applicant performs its required amenity prior to the issuance of the certificate of occupancy.

3030.3 The Applicant, a party to this case, has requested placement of this matter on the Consent Calendar.

3030.4 Applicant's submission complies.

3030.5 Applicant's submission complies.

3030.6 Applicant's submission complies.

3030.7 Not applicable.

3030.8 As of the date of this report, the ANC 2A has not filed a written report. However, the Office of Zoning has been advised by the Applicant that that Advisory Neighborhood Commission (ANC) 2A considered the proposed modification at both its September 15, 2004, meeting and its October 14, 2004, meeting. ANC 2A voted not to support the proposed modified Condition No. 8(a), requesting that no money be dedicated to National Park Service programs and that the $250,000 be donated instead to the Downtown Cluster of Congregations for a homeless case manager for the Foggy Bottom area. ANC 2A voted to support the proposed modified Condition No. 8(e) and requested that Green Spaces for D.C. provide quarterly updates to ANC 2A regarding the progress of the construction.

The West End Citizens' Association ("WECA") filed a letter in opposition to the request dated October 10, 2004. WECA opposes the proposed modification to Condition No. 8(a), stating that the replacement amenity does not serve the same purpose as the original amenity. In addressing Condition No. 8(e), WECA stated that it has not had an opportunity to advise the Applicant with respect to the proposed beautification projects.

3030.9 The Secretary to the Zoning Commission recommends placement of this request on the Commission's Consent Calendar.

3030.10 The Secretary to the Zoning Commission has determined that there is no advice necessary from other District agencies. The National Park Service has filed a letter in support of the replacement amenity.

3030.11 The Secretary to the Zoning Commission has determined that it is appropriate to place this matter on the Consent Calendar for consideration and action by the Zoning Commission without public hearing at its October 25, 2004, public meeting.

3030.12 Not applicable to this report.

3030.13 The Secretary to the Zoning Commission recommends that the requested modifications be granted. This Zoning Commission case was exceptionally complicated, with the major issues being height and density. These elements, as well as other important elements including the total amount of the community amenity package, all

remain unchanged. The Applicant's requests are a result of the National Park Service not allowing performance of the amenity, which is not within the control of the Applicant. Accordingly, the requested modifications could be granted as consistent with the intent of the Commission in approving its original Order No. 960 as not substantially impairing the intent, purpose, or integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map.