SOLAR BUILDING
1000-1010 16th Street, N.W.
Square 184, Lot 74 (Previously Lots 59 and 842)



Application to the Zoning Commission for the District of Columbia for Approval of a Minor Modification to an Approved Planned Unit Development Zoning Commission Case No. 98-14C (Order No. 906)

ZONING COMMISSION
District of Columbia
Case No. 02-24
Exhibit 1

ZONING COMMISSION
District of Columbia
CASE NO.02-24
EXHIBIT NO.1

TABLE OF CONTENTS

SUMMARY OF APPLICATION FOR "MINOR" MODIFICATION 1

STATEMENT OF REASONS 2

INTRODUCTION 2

A. The Property, Surrounding Neighborhood and Zoning 2
1. Existing Property Conditions 2
2. The Surrounding Neighborhood 2
3. Zoning 3

B. PUD and Map Amendment as Approved 3
1. The PUD 3
2. Approved Map Amendment 4

C. Proposed Minor Modification to the Approved PUD 4
1. No Change in Zoning Requested Nor Required 4
2. Requested Modification Is Minor 5
3. Declaration of Covenants Recorded Against Property 5

D. Approval of the Requested Minor Modification is Consistent with the Prior PUD Order 5

CONCLUSION 6

SUMMARY OF APPLICATION FOR "MINOR" MODIFICATION

This Application is submitted by the Applicant, JBG/6006 Limited Partnership, for the minor modification of an approved planned unit development. The Applicant submits a refinement of the design of the proposed planned unit development. These refinements result in the need for a minor modification in that the Sixteenth Street entrance and corresponding bay of 1000 and 1010 16th Street, N.W., Lot 74 (previously Lots 59 and 842) in Square 184 (the "Property") have been relocated to a location that is south by one bay. While the relocation of the Sixteenth Street entrance and bay is modest, it will allow the penthouse structure to be set back an additional ten to fourteen feet (10'-14') from Sixteenth Street, N.W., and will also provide: (1) improved and increased green space; (2) an increase in distance between the front entrance of the project and the residential neighbors; (3) a reduction in area to contiguous paved areas along the public space at Sixteenth Street; and (4) an improved visual balance of the Sixteenth Street elevation. These benefits are provided without sacrificing any of the amenities provided by the Zoning Commission.

With respect to the Sixteenth Street facade, Order No. 906, which approved the Planned Unit Development ("PUD"), (1) granted a waiver from the roof-structure set back requirements, (2) allowed for adjustment in the landscaping to accommodate the retail entrance, and (3) recognized as a distinct element of the PUD the projecting bay above the Sixteenth Street entrance. *See* Zoning Commission Order No. 906, Case No. 98-14C, October 16, 2000. The Applicant submits that the proposed modification is so minor as to be processed on the consent calendar.

STATEMENT OF REASONS IN SUPPORT OF APPLICATION FOR MODIFICATION OF AN APPROVED PLANNED UNIT DEVELOPMENT WITH RESPECT TO THE RELOCATION OF THE 16TH STREET ENTRANCE

INTRODUCTION

The applicant, JBG/6006 Limited Partnership ("JBG"), the owner of the Property, seeks approval by the Zoning Commission of an application ("Application") for the minor modification of an approved planned unit development ("Approved PUD").

The Application proposes to modify the Sixteenth Street entrance to the building and accompanying bay by relocating the entrance and bay one bay to the south (i.e., towards K Street) of its present proposed location.

A. The Property, Surrounding Neighborhood and Zoning.

1. Existing Property Conditions.

The Property is presently improved with two economically and functionally obsolete buildings: (1) the Solar Building, which is an eight-story commercial office building located at 1000 16th Street, N.W.; and (2) the "Taca Building", a smaller six-story office building located at 1010 16th Street, N.W. There is presently no parking or loading at the Property.

The Property is only 20,111 square feet (less than half an acre) and is located at the intersection of two of the widest streets in the District of Columbia: K Street, which is a principal commercial arterial in the Central Employment Area, and Sixteenth Street. The Property has approximately 144 feet of frontage along K Street and approximately 156 feet of frontage on Sixteenth Street.

2. The Surrounding Neighborhood.

Large office buildings with a predominant height of 130 feet are located to the east and west of the Property along K Street. Immediately adjacent to the site at 1625 K Street is the Commonwealth Building, a twelve-story structure constructed in 1941. Further west are the office buildings at 1627 K Street and 1629 K Street, N.W. (the Davis Building), which are constructed to a height of 130 feet. The Investment Building, located one block to the east at 1511 K Street, is similarly constructed to a height of 130 feet. The Capital Hilton Hotel, immediately across Sixteenth Street from the Solar Building, is ninety feet (90') in height at the property line with a setback to the ultimate height of 130 feet.

The area along Sixteenth Street includes buildings with a predominant height of ninety feet (90'). The PUD provided for a series of setbacks along Sixteenth Street to implement contextual considerations to the special character of Sixteenth Street.

3. Zoning.

The Property is "split-zoned" SP-2 and C-4. The pre-existing zone boundary line was unusually configured and bore no relationship to the existing improvements on the Property. The depth of the original zone boundary line for the southern part of the site was only forty-five feet (45') back from the line of Sixteenth Street and had a depth of approximately 106 feet at the northern portion of the Property. The remainder of the site along K Street was mapped in the C-4 zone district. The size of the site and location of the previous zone boundary line created floor plates in the C-4 and SP-2 portions that were too small and irregularly shaped by themselves to be developable.

B. PUD and Map Amendment as Approved.

1. The PUD.

Zoning Commission Order No. 906 approved the development of a commercial office development consisting of approximately 200,247 square feet of gross floor area, a height not to exceed 125.5 feet in the C-4 portion of the Property with setbacks along Sixteenth Street. The final plans approved by the Zoning Commission were the product of three (3) hearings. As a result, the plans were significantly revised in response to concerns of both the Zoning Commission and the parties to the application.

The PUD approved a development with an eighth floor roof slab that is limited to the height of the existing Solar Building (*i.e.*, ninety feet) and an additional three (3) floors limited to a height of 125.5 feet. The Taca Building will be demolished to allow for the expansion of the Solar Building footprint. The height limit of 125.5 feet represents a reduction in height of seven feet (7') from the original plans, which was achieved through a three foot, two inch (3'2") reduction in the height of the penthouse and a four foot, six inch (4'6") reduction in the height of the roof. The uppers stories of the building above ninety feet (90')(floors nine and ten) will be set back a minimum of thirty-five feet (35') from the Sixteenth Street frontage and the eleventh (11^{th}) floor is set back an additional ten feet (10') to provide a setback of forty-five feet (45').

The PUD did not meet the normal matter-of-right requirements of the Zoning Regulations regarding roof-structure setbacks. The approved PUD provided a setback of only one foot (1') from the eleventh floor roof edge along Sixteenth Street. Accordingly, Zoning Commission Order 906 granted a minor deviation from the roof structure setback requirements. Minor deviations were also permitted from the restrictions on non-accessory retail uses in the SP zone district and the minimum requirements for loading berths.

In deference to the special character of Sixteenth Street, several distinct elements were added to the design of the Sixteenth Street elevation including: (1) a projecting cornice line at the top of the seventh (7^{th}) floor to follow the cornice lines of buildings along Sixteenth Street; (2) the scale of the façade was broken down by creating punched window openings, with a fenestration following the patterns established by other Sixteenth Street buildings; and (3) a projecting bay above the entrance was added marking the front door of the structure on the

primary façade. Continuing the same theme onto the K Street elevation beyond the new SP-2 boundary to a depth of forty feet further emphasized the Sixteenth Street elevation.

Important elements to the PUD, as approved, included the extensive landscaping elements introduced to the PUD site (i.e., the green space along Sixteenth Street) and the setbacks along Sixteenth Street, including the reduction in height of the penthouse structure.

A building permit (permit number B442686) has been issued for the construction and renovations to the Property as approved by Zoning Commission Order No. 906.

2. Approved Map Amendment.

Zoning Commission Order No. 906 approved a map amendment modifying the SP-2 zone district for a depth of thirty feet (30') along Sixteenth Street, with the remainder of the Property included in the C-4 zone district.

C. Proposed Minor Modification to the Approved PUD.

By this Application, JBG seeks the approval by the Zoning Commission of the minor modification of the front entrance to the building and corresponding bay. Specifically, JBG seeks approval to move the front entrance and corresponding bay to the south of its approved location by one bay.[1]

The change proposed will result in: (1) a further setback of the penthouse structure by a distance of ten to fourteen feet (10'-14') along Sixteenth Street; (2) improved and increased green space; (3) an increase in distance between the front entrance of the project and the residential neighbors; (4) a reduction in area to contiguous paved areas along the public space at Sixteenth Street; and (5) an improved visual balance of the Sixteenth Street elevation.

1. No Change in Zoning Requested Nor Required.

No change in zoning is requested nor required. Zoning Commission Order No. 906, which applies to the subject property, clearly stated that the project shall be developed as a general office building, with a retail component. The Order restricted the retail uses in the SP-2 zone district of the Property to the following: bank or financial institution, bar or cocktail lounge only as part of a restaurant, optician, jewelry store, restaurant (not including fast food), reproduction services (in basement only). In addition, the following amenities were approved as part of a concierge service: dry-cleaning, shoeshine, flower stand and parcel delivery. The proposed modification does not change any of the permitted uses for the Property.

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[1] As indicated above, in addition to relocating the front entrance and corresponding bay, JBG has further refined the design of the proposed building. These refinements include improved: (1) proportion of projection bay and facade components; and (2) exterior skin detailing.

2. Requested Modification Is Minor.

The Application proposes to modify the location of the front entrance and corresponding bay to the building. As already noted, this modification is minor since the modifications do not result in any reduction or diminishment of setbacks along Sixteenth Street or reduction of green space. To the contrary, the requested modification will not only further distinguish the building, it will result in a significant increase in the penthouse setback from Sixteenth Street, as desired by the community, and enhancement of the green space. In normal circumstances, the Zoning Administrator would have the authority to approve the modification sought by the JBG but for the fact that approval of the PUD was conditioned upon the development of the PUD in accordance with the June 6, 2000 plans, which plans depict the front entrance and corresponding bay one bay to the north of the proposed relocated position.

Pursuant to 11 D.C.M.R. § 3030, the Zoning Commission, in the interest of efficiency, may make without a public hearing, minor modifications and technical corrections to previously approved final orders, rulemaking or other actions or relief of the Zoning Commission. For purposes of this section, "minor modifications" shall mean modifications of little or no importance or consequence. In accordance with §§ 3030.4 and 3030.5, the application of the JBG includes a copy of the Zoning Commission final order proposed to be modified and has requested that the Director of the Office of Zoning place this matter on the Consent Calendar. Furthermore, this request has been served by the JBG on all parties in the original proceeding - Advisory Neighborhood Commission 2B and Presidential Owners, Inc. - at the same time that the request has been served on the Director of the Office of Zoning. Finally the relief sought is, as required by § 3030.13, consistent with the intent of the Zoning Commission in approving its original order and does not substantially impair the intent, purpose or integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map.

3. Declaration of Covenants Recorded Against Property.

A Declaration of Covenants was recorded against the Property on July 16, 2001, which declares *inter alia* that the subject site shall be held, transferred, sold and conveyed subject to the restrictions therein set forth.

D. Approval of the Requested Minor Modification is Consistent with the Prior PUD Order.

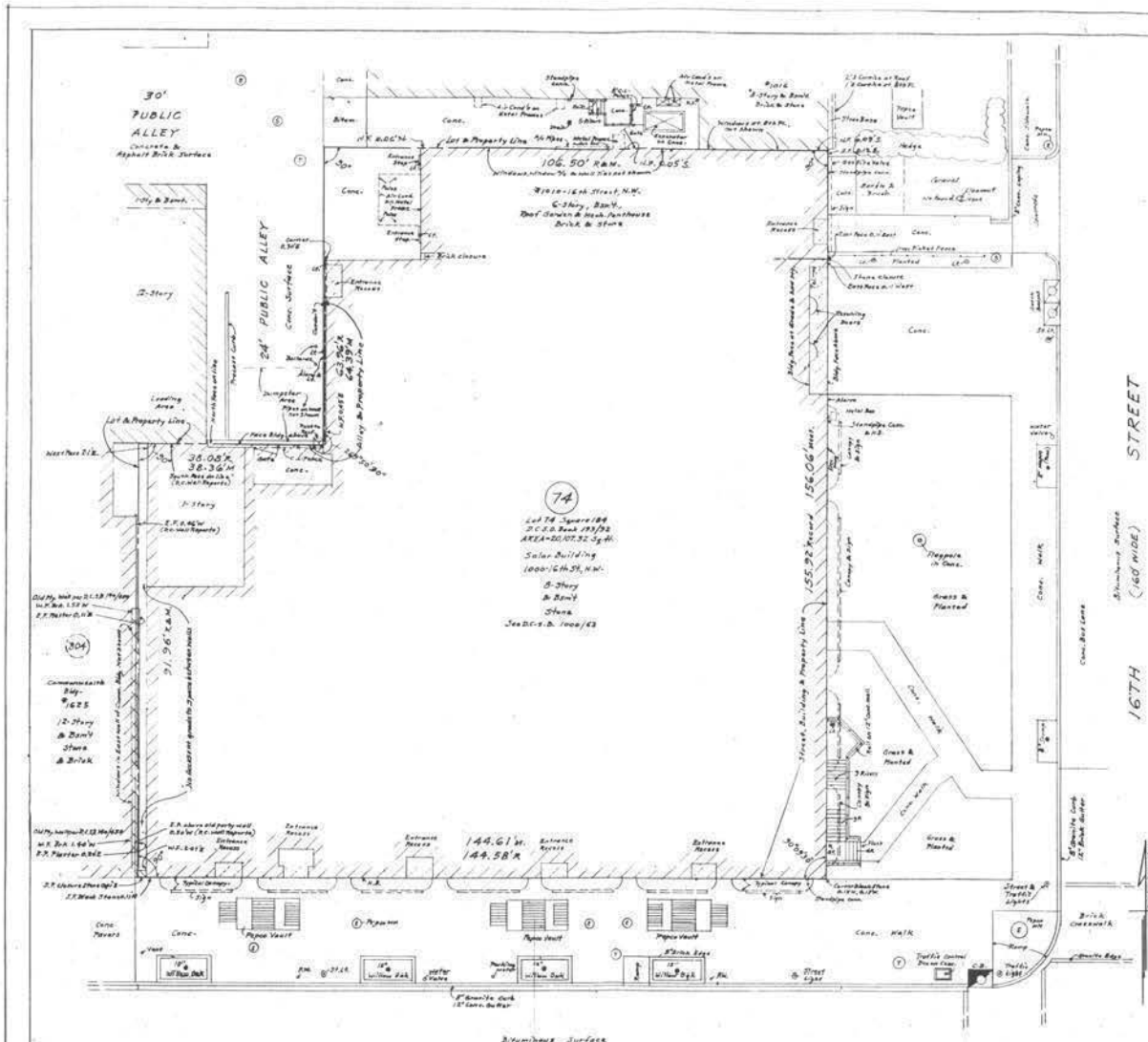
Approval of the subject Application will allow the Property to be used in a manner that is consistent with the uses of the subject Property originally approved by the Zoning Commission in Order No. 906. In Order No. 906, the Zoning Commission (1) granted a waiver from the roof-structure set back requirements, (2) allowed for adjustment in the landscaping to accommodate the retail entrance, and (3) recognized as a distinct element of the PUD the projecting bay above the Sixteenth Street entrance. The requested modification is a result of further refinement of the design of the building and results in additional benefits to the PUD and the streetscape. As such, the requested modification and resulting changes further respond to the issues raised at the hearings on the original PUD. Because the minor modification does not decrease the amenities

of the PUD but, rather, further enhances the amenities, the proposed modification is consistent with prior Order No. 906.

CONCLUSION

For the foregoing reasons, the Applicant submits that the proposed modification is consistent with the Approved PUD and that the proposed modification is "minor."

Accordingly, JBG respectfully requests the Zoning Commission set the application on the Commission's Consent Calendar.



NOTE- 1. This plat is intended for real property title purposes only.
2. Measured boundary shown subject to modification by the D.C. Surveyor's Office and/or private land surveyors, registered to practice in the District of Columbia, performing well tests and/or surveys on behalf of the D.C. Surveyor, but see D.C. Survey Book 1000, Page 63.
3. Deed Description - Lot 74 in Square 184 in the subdivision made by JBG/8006 Limited Partnership and Bahrain Telmourian as per plat recorded in the Office of the Surveyor for the District of Columbia in Plat Book 193 at page 92.

ENGINEER'S CERTIFICATE

The undersigned being a Registered Professional Engineer in the District of Columbia hereby certifies to (i) JBG/8006 Limited Partnership, (ii) BFV INTERIM FINANCE b.v., its successors and assigns as holder of the deed of trust (lien) secured by Lot 74, Square 184, or by reason of foreclosure or deed in lieu thereof under said deed of trust, and (iii) Commonwealth Land Title Insurance Company, as follows:

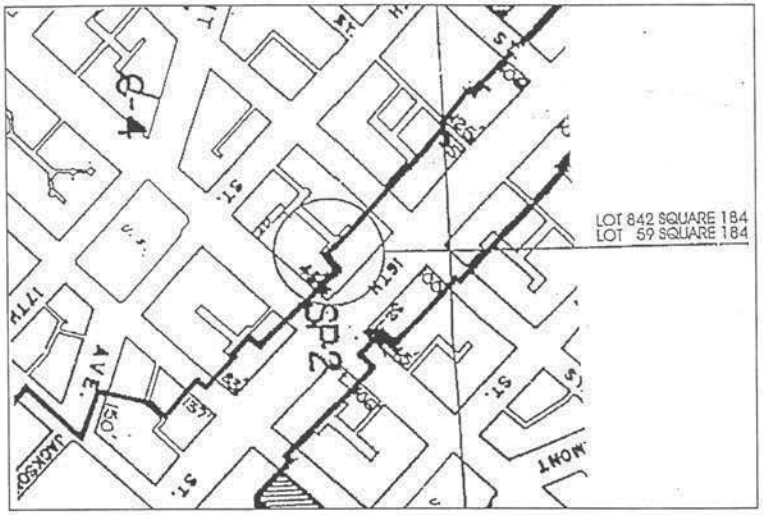
1. This plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by the American Land Title Association, the American Congress on Surveying and Mapping and the National Society of Professional Surveyors in 1997 and contains items 4 (as to land area of Lot 74, Square 184, only), 8 (as to those improvements which are observable at grade only), 10, and 11 (as to surface manifestations of underground utilities only) of Table A, thereof, and the survey meets the requirements for an Urban Survey, as defined therein.
2. The Survey was made on the ground between September 12, 1997 and March 27, 1998, and again most recently on September 10, 2001, and correctly shows the area of the subject property, - e location and type of all visible buildings, structures and other improvements situated on the subject property, and any other visible matters appropriate to a survey intended for real property title purposes situated on the subject property.
3. Except as shown on the Survey, there are no visible easements or rights of way of which the undersigned has been advised.
4. There are no observable, above ground encroachments (a) by the improvements on the subject property upon adjoining properties, streets or alleys, or (b) by the improvements on adjoining properties, streets or alleys upon the subject property, except as follows: Signs, standpipe connection, east face of Taca Building, canopies, signs, alarm, electric plug, lights, stairs, concrete wall surrounding stairs, and rail on concrete wall project into 16th Street, N.W.; Canopies, signs, standpipe connection and stone closure project into K Street, N.W.; Old party wall straddles the south portion of the westmost property line, although it might be incorrect to label a party wall as an encroachment; Pipes on wall, duct to roof, alarm, lights and conduit project into 24' wide public alley; North face of north wall varies from 0.06' north of northmost property line to 0.05' south of northmost property line, and window air conditioner, air conditioner on metal frame, air conditioning pipes, switch box and wall ties project north of northmost property line.
5. The location and dimensions of each easement, right of way, servitude, and other matter affecting Lot 74, Square 184, listed in Schedule B - Part I of the Loan Policy of Title Insurance Number 552-562036, CSI Case No. 97-1345, dated March 3, 1998, as endorsed by Endorsement (File No. 99-1038A/97-1345/98-1061) dated July 8, 1999, and Endorsement (Code Name: Solar Building Loan, Case No. 01-0243), dated May 8, 2001, issued by Commonwealth Land Title Insurance Company (the "Policy of Title Insurance"), with respect to the subject property, and of all applicable Building Restriction Lines of record in the D.C. Surveyor's Office affecting the property, have been shown hereon with appropriate recording references, to the extent that such matters can be located. The following matters - Items 1 and 2 of Schedule B - Part I of the Policy of Title Insurance - cannot be shown because they are unlocatable. Item 3 is not shown because it concerns a wall along a former boundary line which is now entirely within Lot 74, Square 184.
6. The property shown and described on the Survey is exactly the same property described in Exhibit "A" (as opposed to Exhibit "A-1") to Schedule A of the Policy of Title Insurance.
7. The subject property has access to and from a reserved public street known as 16th and K Streets, N.W..
8. Except as shown on the Survey, the subject property does not serve any adjoining property for surface drainage, ingress or egress.
9. The description of the subject property forms a mathematically closed figure.
10. The subject property lies in Zone "C" (defined as "Areas of Minimal Flooding") as defined by the Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Rate Map for the District of Columbia, Community-Panel Number 110001 0020 B, effective date: November 15, 1985.

The parties listed above are entitled to rely on the Survey and this certificate as being true and accurate.

Gerald S. McKenna
Civil Engineer D.C. Reg. No. 4197

PLAT OF SURVEY
LOT 74 SQUARE 184
N.W. CORNER OF 16TH & K STREETS, N.W, WASHINGTON, D.C.
THE JBG COMPANIES
SCALE: 1"=10' SEPT. 11, 2001
BERNARD F. LOCRAFT
CIVIL ENGINEERS
WASHINGTON, D.C.
F.B. 1226/101, 1099/6, 248/111

7694-1



DWG	DESCRIPTION
I-01	INDEX
Z-01	ZONING TABULATIONS
A-00	BUILDING PERSPECTIVE
A-01	SITE PLAN: LANDSCAPE AND CIRCULATION PLAN
A-02	FLOOR PLANS: B1 LEVEL, B2 LEVEL
A-03	FLOOR PLANS: 1ST LEVEL, 2ND LEVEL
A-04	FLOOR PLANS: TYPICAL LEVEL, 9TH-10TH LEVEL
A-05	FLOOR PLANS: 11TH LEVEL, PENTHOUSE LEVEL
A-06	CONTEXT ROOF PLAN
A-07	BUILDING SECTION
A-08	BUILDING ELEVATIONS

DRAFT: Dimensions and calculations to be verified upon further coordination with design/engineering team.

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1601 K STREET
WASHINGTON, DC

NONE

INDEX

05-22-02
WA02017

I-01

ZONING TABULATIONS

SQUARE 184
LOTS 59 AND 842
SITE AREA 20,111 SQUARE FEET

C-4 / SP-2 PUD GUIDLINES

MINIMUM AREA	15,000 SQUARE FEET
USES	GENERAL OFFICE USE IS PERMITTED IN BOTH ZONES
FLOOR AREA RATIO	11.55 FAR FOR C-4 4.73 FAR FOR SP-2
BLENDED FOR SPLIT-ZONE SITE	9.96 FAR = 200,306 SQ FT. WITH A 30 FT DEPTH OF SP ZONING
LOT OCCUPANCY	100%
BUILDING HEIGHT	130 FEET FOR C-4 90 FEET FOR SP-2
PENTHOUSE HEIGHT	18.5 FEET
PENTHOUSE AREA	7,441 SQUARE FEET
YARDS	NONE REQUIRED
PARKING	23 MINIMUM REQUIRED

PROPOSED PUD PROVIDED

SITE AREA 20,111 SQUARE FEET
PARKING = 1,343 SQUARE FEET LOADING = 1,031 SQUARE FEET RETAIL = 8,002 SQUARE FEET OFFICE = 189,871 SQUARE FEET 200,247 SQUARE FEET
9.96 FAR = 200,247 SQUARE FEET
100%
125.5 FEET AT K STREET 90 FEET AT 16TH STREET
15.33 FEET
4,806 SQUARE FEET
NONE PROVIDED
42 MINIMUM PER PUD ORDER

SITE LANDSCAPE CALCULATIONS

	EXISTING	PROPOSED
SOFT SCAPED	3,907 SQ. FT.	3,950 SQ. FT.

GROSS FLOOR AREA TABULATIONS

	PROPOSED					TOTAL EXISTING	EXISTING SOLAR	EXISTING 1010 16TH ST
FLOOR	PARKING	LOADING	RETAIL	OFFICE	FLOOR TOTAL	FLOOR TOTAL	FLOOR TOTAL	FLOOR TOTAL
11				11,712	11,712			
10				14,300	14,300			
9				14,300	14,300			
8				20,109	20,109	17,499	17,499	
7				20,109	20,109	17,718	17,499	219
6				20,109	20,109	19,477	17,499	1,978
5				20,109	20,109	19,477	17,499	1,978
4				20,109	20,109	19,477	17,499	1,978
3				20,109	20,109	19,477	17,499	1,978
2				19,806	19,806	18,521	16,543	1,978
1	1,343	1,031	8,002	9,099	19,475	19,164	17,186	1,978
SUB-TOTAL	1,343	1,031	8,002	189,871	200,247	150,810	138,723	12,087
*-1	20,079				20,079	17,345	17,345	
*-2	18,306				18,306	14,907	14,907	
TOTAL	39,728	1,031	8,002	189,871	238,632	183,062	170,975	12,087

* BELOW GRADE AREAS NOT INCLUDED IN FAR

DRAFT: Dimensions and calculations to be verified upon further coordination with design/engineering team.

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ZONING TABULATIONS
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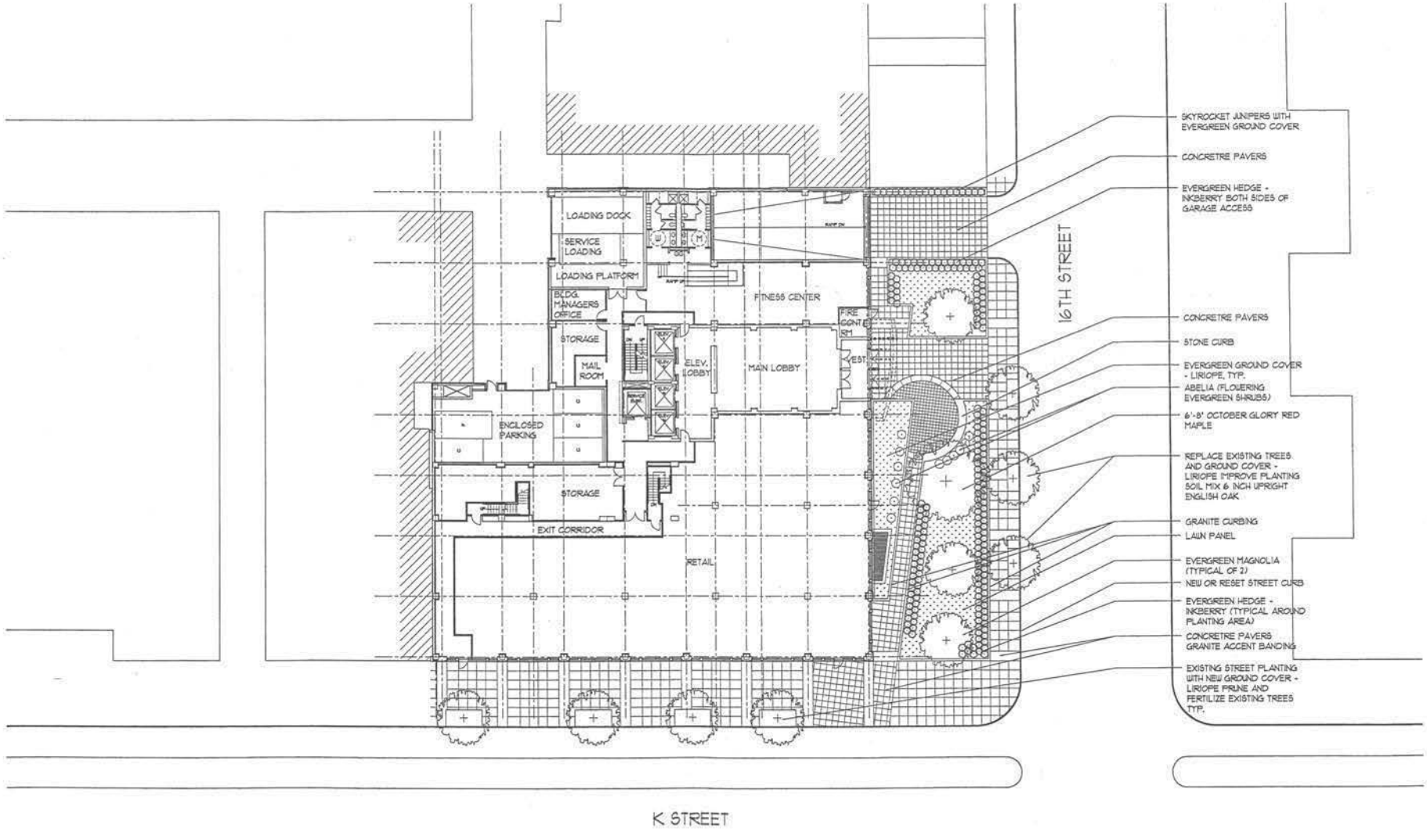


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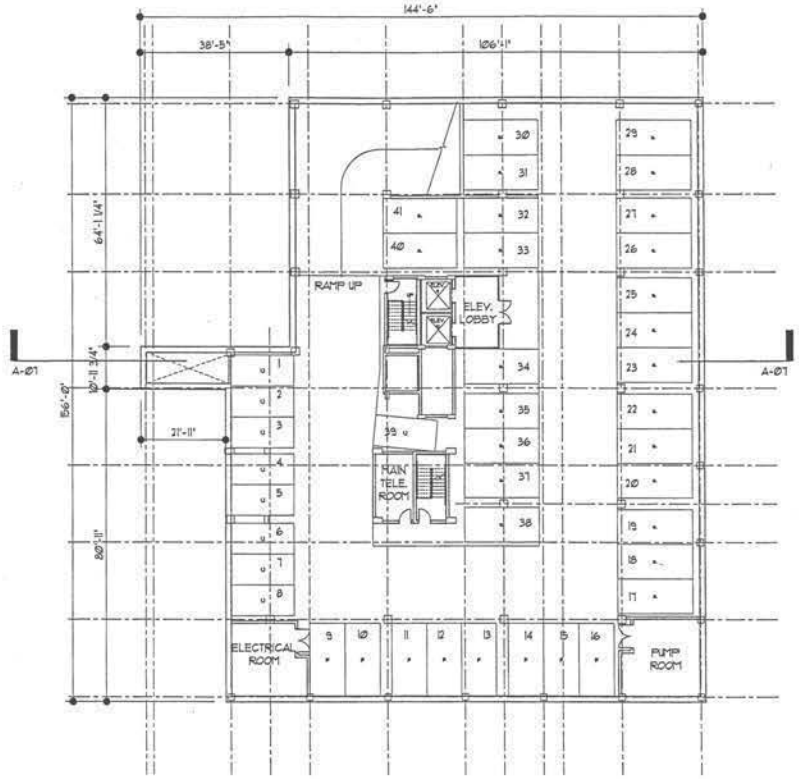
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SITE PLAN

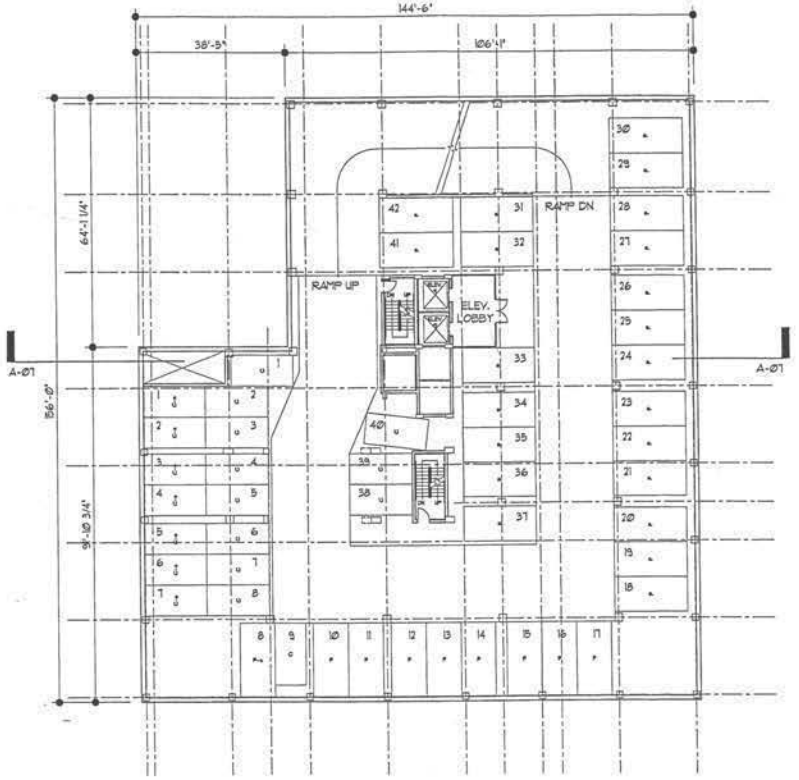
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SUBLEVEL 2 PLAN



SUBLEVEL 1 PLAN

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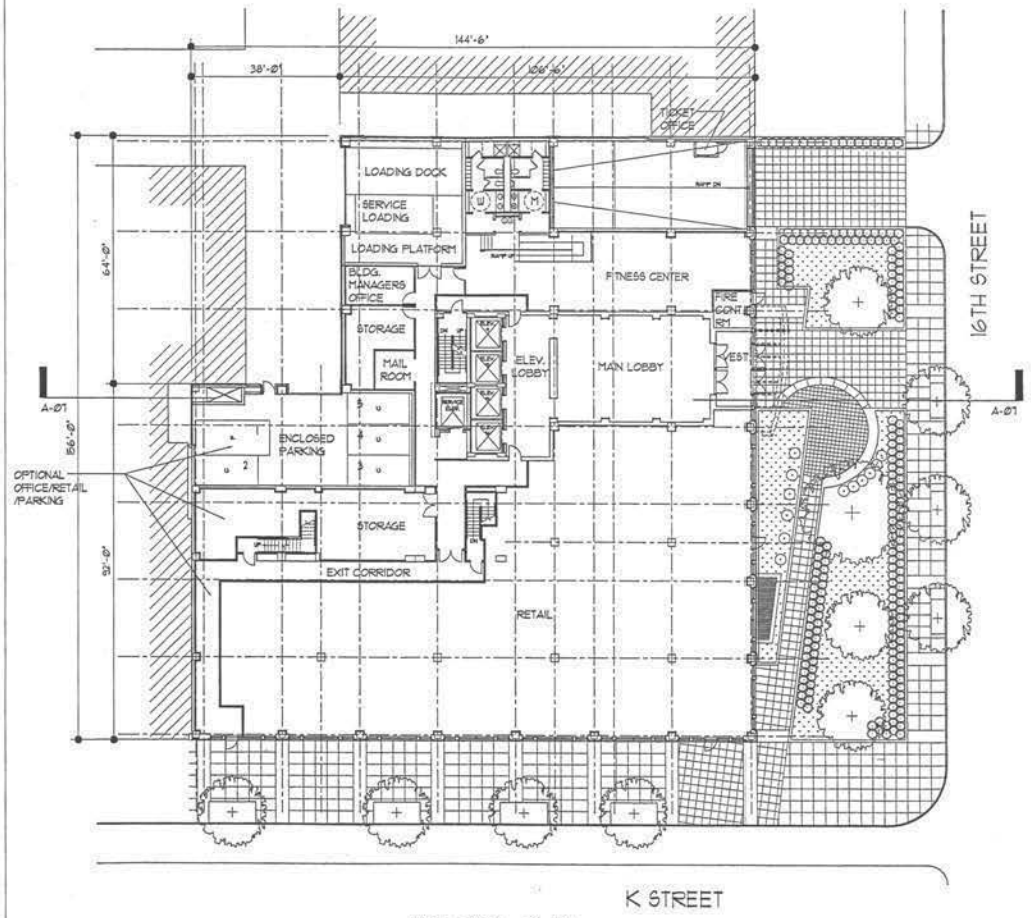
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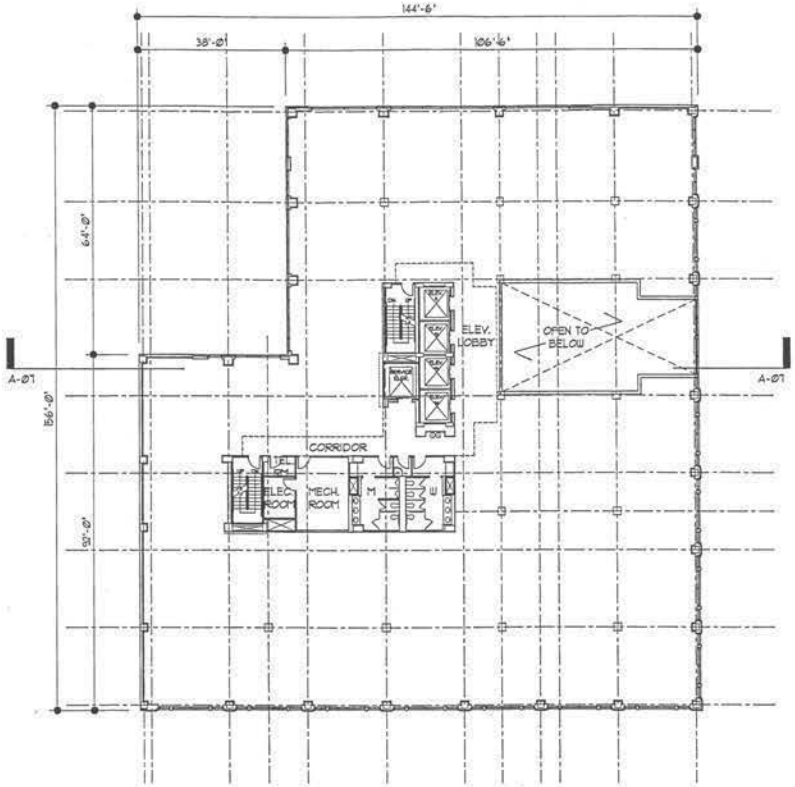
FLOOR PLANS

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1ST LEVEL PLAN



2ND LEVEL PLAN

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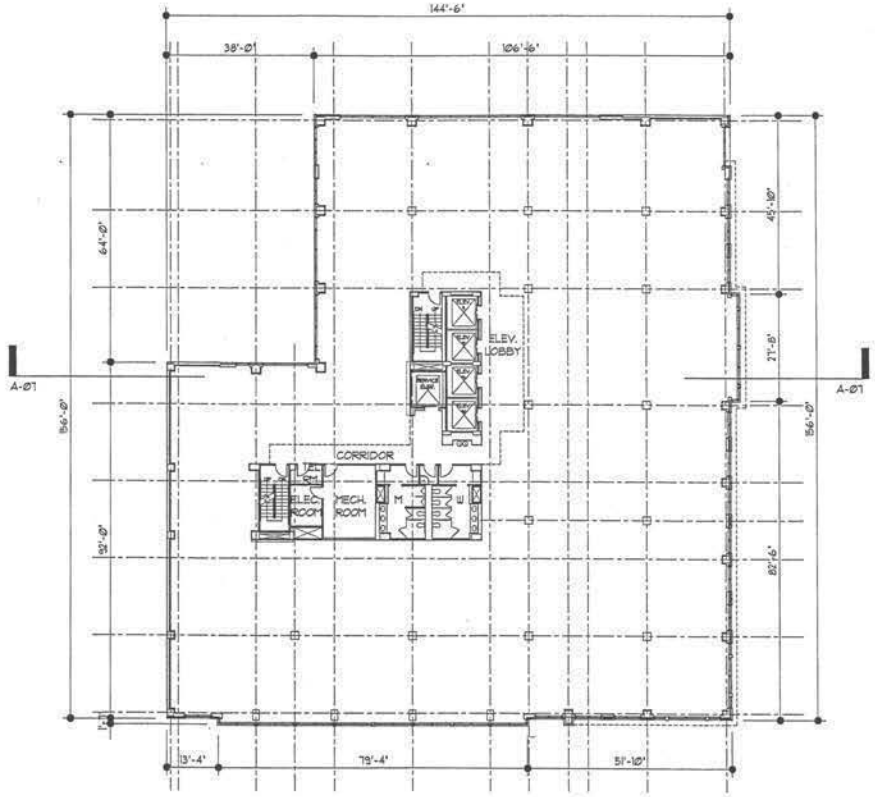
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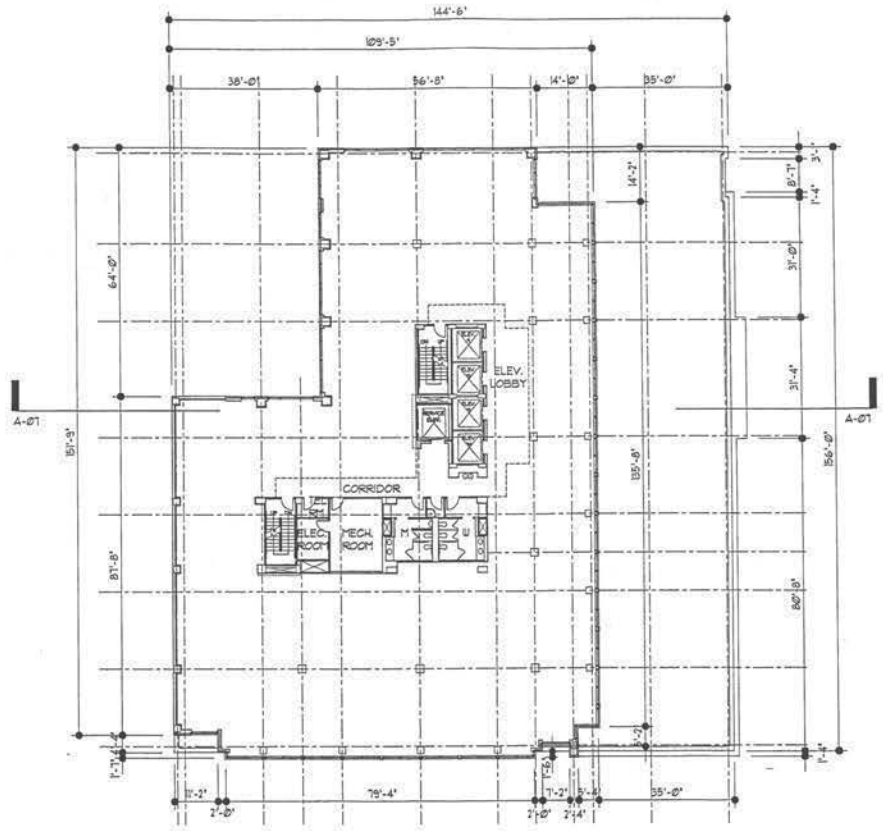
FLOOR PLANS

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TYPICAL LEVEL PLAN



9TH THROUGH 1ØTH LEVEL PLAN

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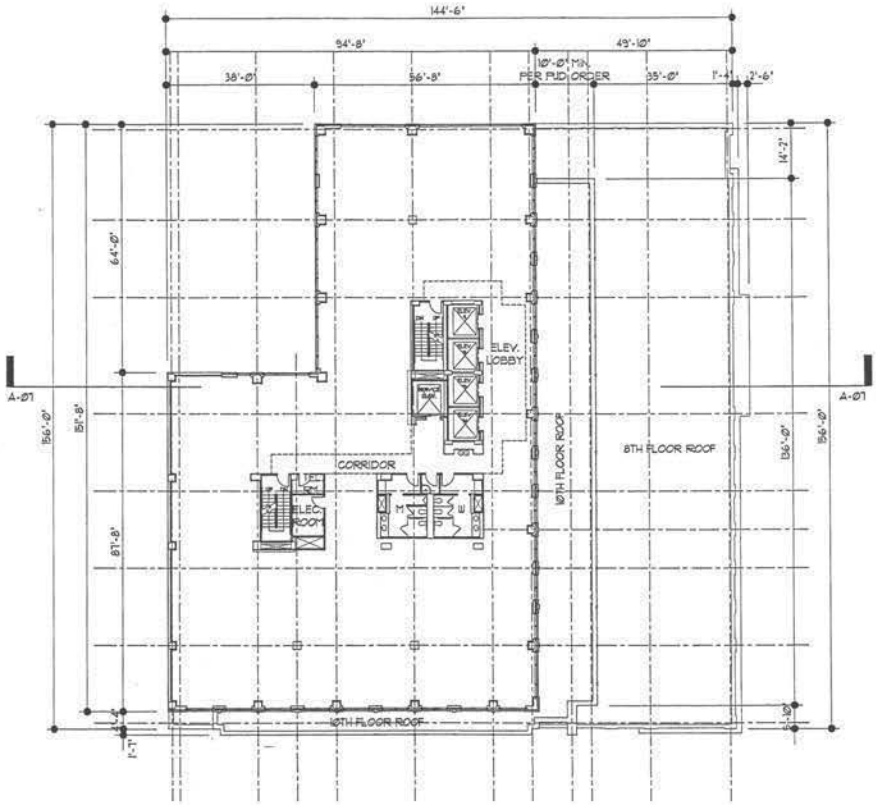
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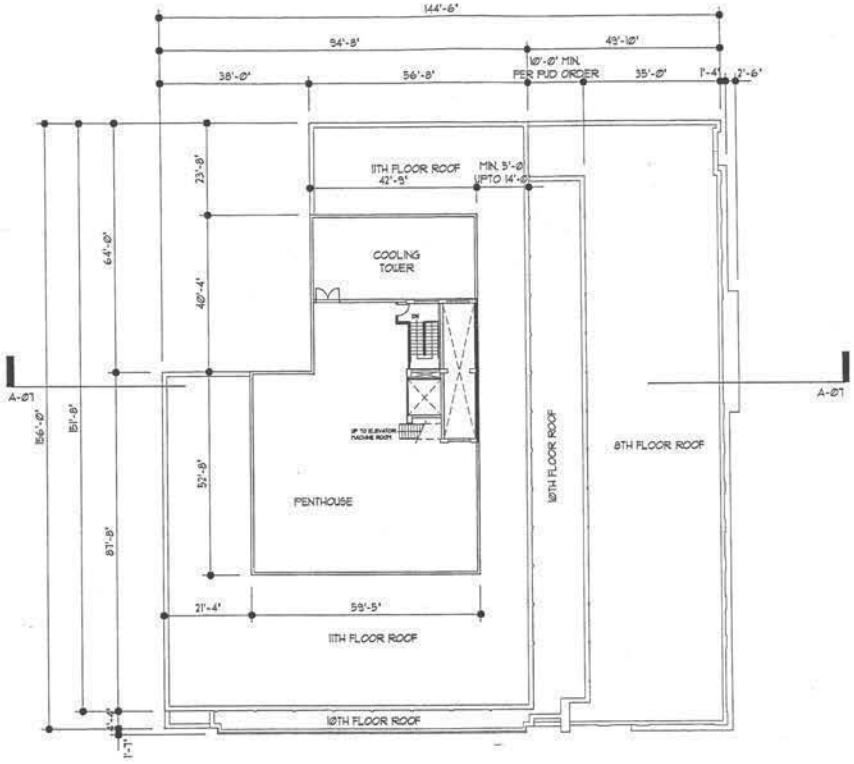
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11TH LEVEL PLAN



PENTHOUSE LEVEL PLAN

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1601 K STREET

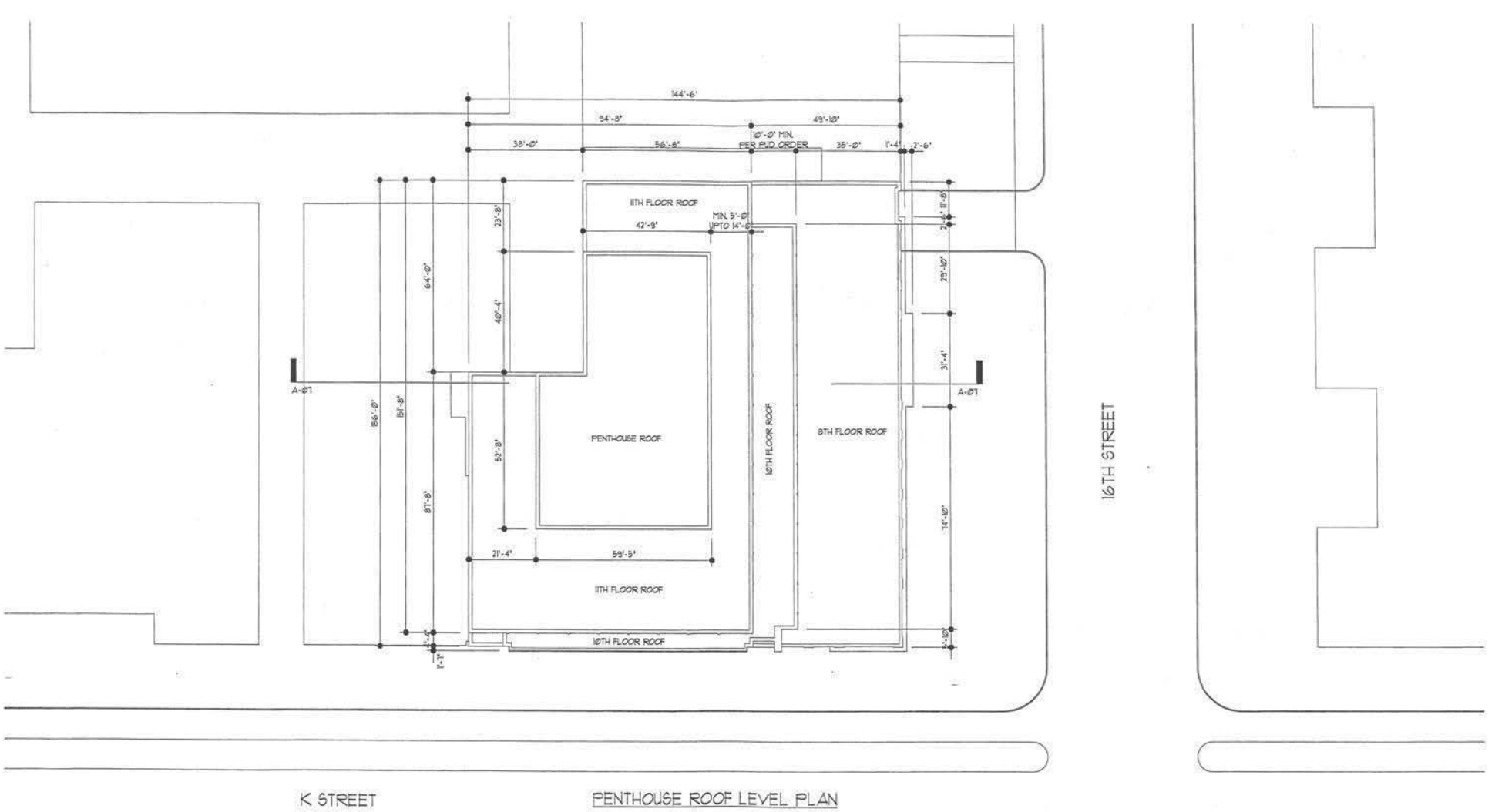
WASHINGTON, DC

1/32" = 1'-0"
0 8 16 32

FLOOR PLANS

05-22-02
WA02017

A-05



PENTHOUSE ROOF LEVEL PLAN

DRAFT: Dimensions and calculations to be verified upon further coordination with design/engineering team.

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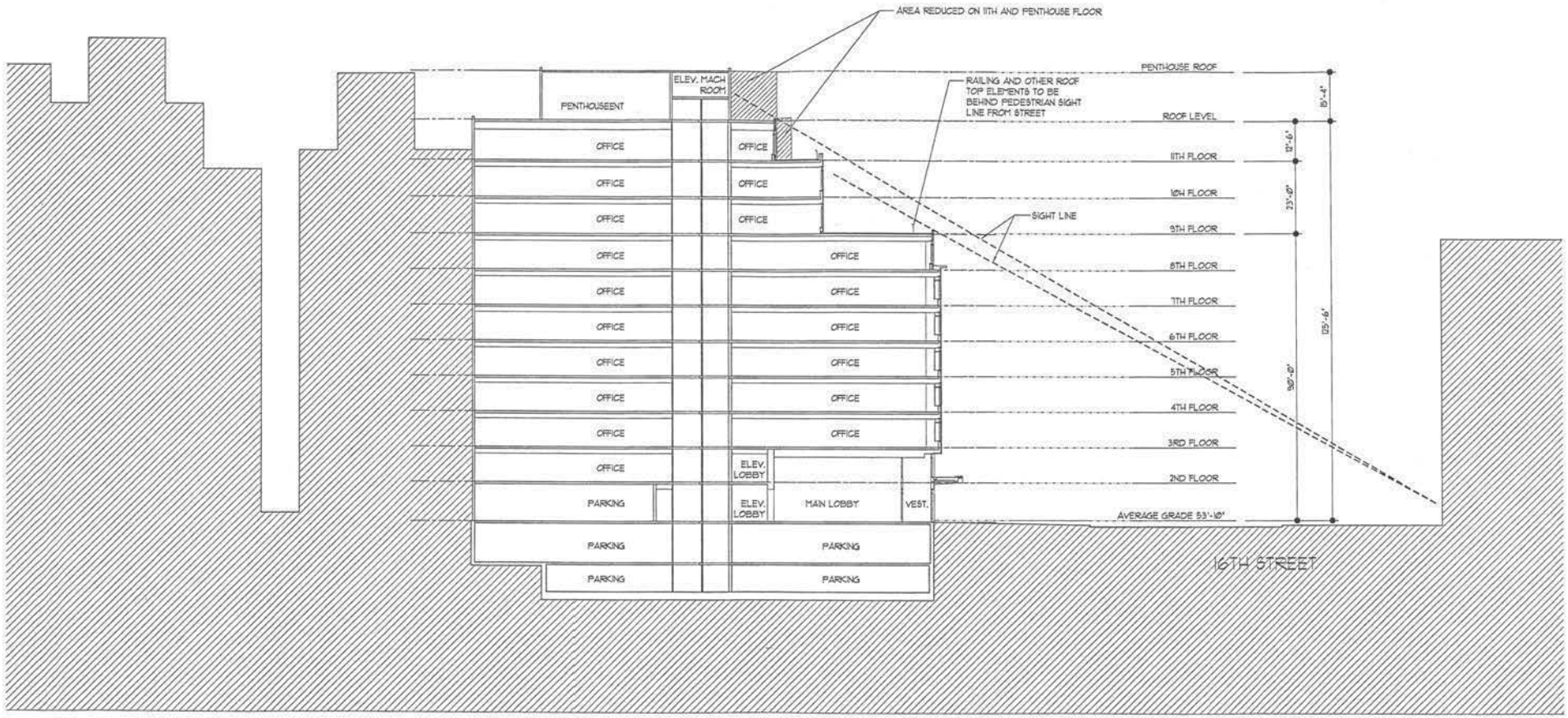
WASHINGTON, DC

1/32" = 1'-0"
0 8 16 32

PENTHOUSE ROOF PLAN

05-22-02
WA02017

A-06



BUILDING SECTION

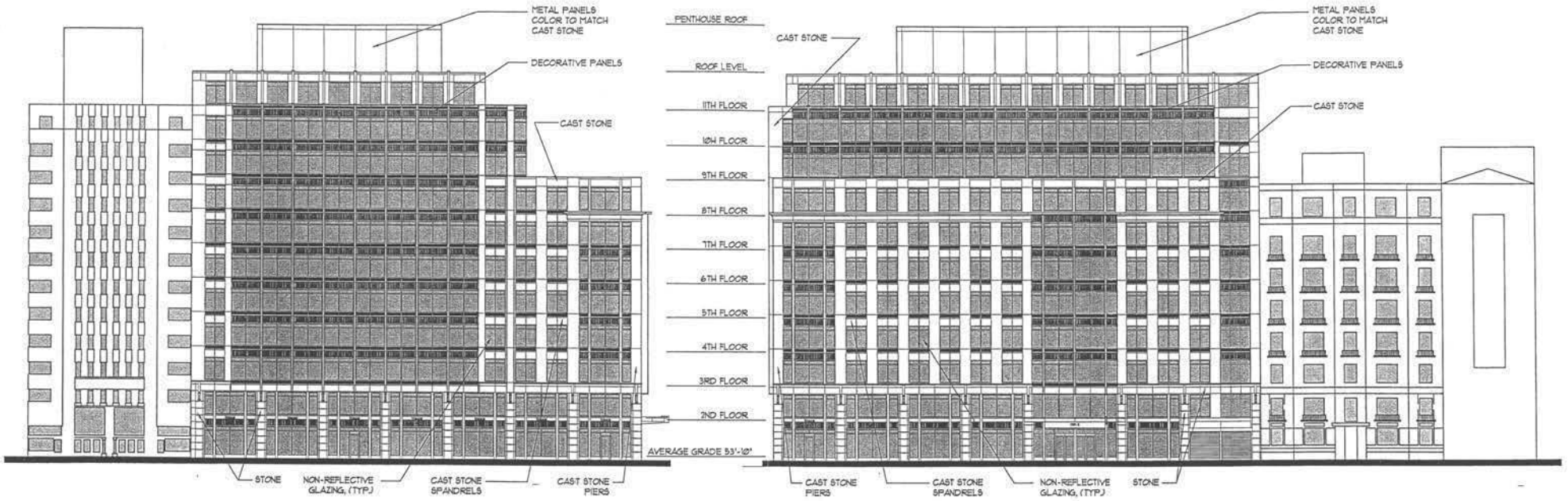
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1601 K STREET
WASHINGTON, DC

1/32" = 1'-0"
0 8 16 32

BUILDING SECTION
05-22-02
WA02017
A-07



K STREET ELEVATION

16TH STREET ELEVATION

DRAFT: Dimensions and calculations to be verified upon further coordination with design/engineering team.

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WASHINGTON, DC

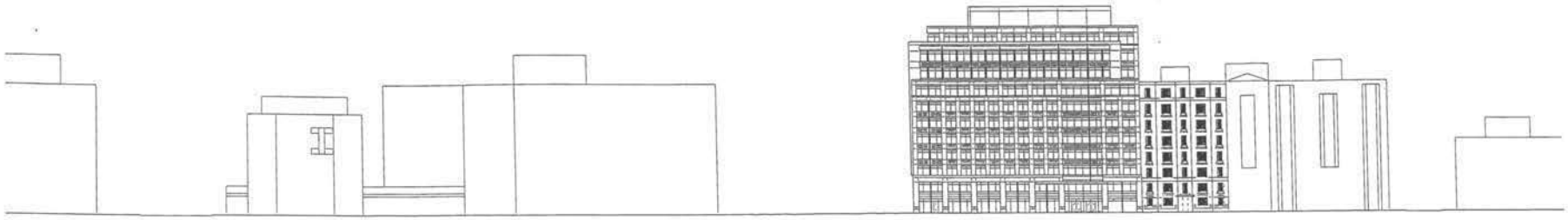
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BUILDING ELEVATIONS

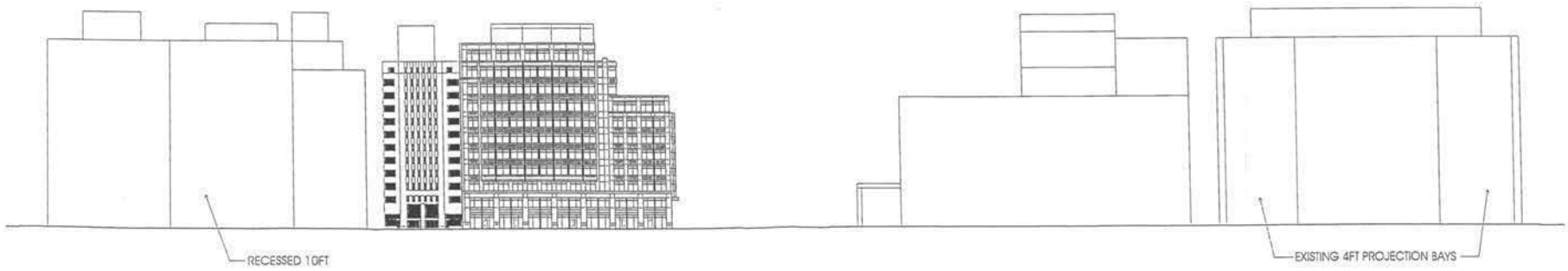
05-22-02
WA02017

A-08





16TH STREET ELEVATION



K STREET ELEVATION

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Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

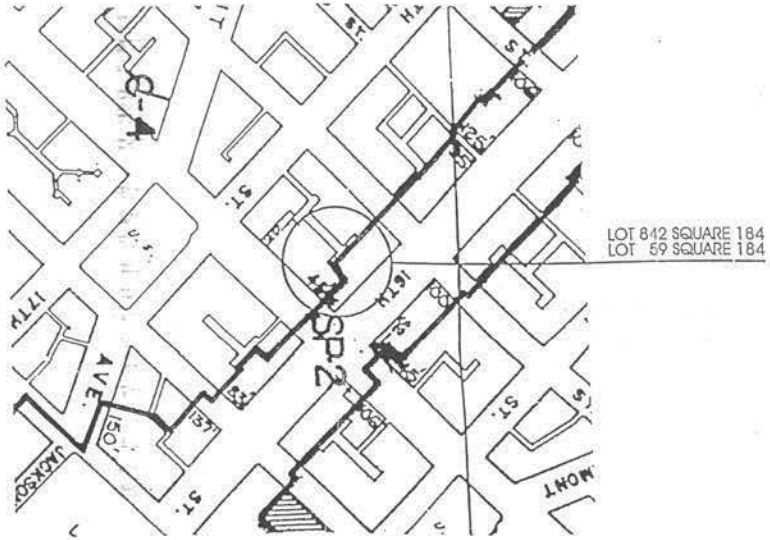
CONTEXT ELEVATIONS

10' 50' 10'

PROJECT No. 20-A1105.11
Date 01/06/2000

A-02

4



DWG	DESCRIPTION
I-01	Index
Z-01	Zoning Tabulations
S-01	Site Survey
S-02	Existing Conditions - Elevations
S-03	Existing Site Plan; Landscape and Circulation Plan
I	Comparison - Floor Plan
II	Comparison - Section
III	Comparison - Section
IV	Comparison - Elevations
V	Comparison - Perspective
VI	Perspective Rendering
VII	Perspective Rendering
VIII	Perspective Rendering
A-01	Contex Plan
A-02	Context Elevations
A-03	Site Plan; Landscape and Circulation Plan
A-04	Floor Plans - B1 Level, B2 Level
A-05	Floor Plans - 1st Level, 2nd Level
A-06	Floor Plans - 3rd Level, 4th - 7th Level
A-07	Floor Plans - 8th Level, 9th - 10th Level
A-08	Floor Plans - 11th Level, Roof Level
A-09	Roof Plan
A-10	Building Section
A-11	Building Section
A-12	Building Elevations
A-13	Building Elevations

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INDEX

PROJECT No. 20-99109.11
Date 01/06/2000

I-01

ZONING TABULATIONS

SQUARE 184
LOTS 59 AND 842
SITE AREA 20,111 SQUARE FEET

C-4 / SP-2 PUD GUIDELINES		PROPOSED PUD PROVIDED	
MINIMUM AREA	15,000 SQUARE FEET	SITE AREA	20,111 SQUARE FEET
USES	GENERAL OFFICE USE IS PERMITTED IN BOTH ZONES	PARKING LOADING RETAIL OFFICE	3,588 SQUARE FEET 1,329 SQUARE FEET 9,057 SQUARE FEET 186,273 SQUARE FEET 200,247 SQUARE FEET
FLOOR AREA RATIO	11.55 FAR FOR C-4 4.73 FAR FOR SP-2	9.96 FAR =	200,247 SQUARE FEET
BLENDED FOR SPLIT-ZONE SITE	9.96 FAR = 200,306 SQ FT. WITH A 30FT DEPTH OF SP ZONING		
LOT OCCUPANCY	100%	100%	
BUILDING HEIGHT	130 FEET FOR C-4 90 FEET FOR SP-2	125.5 FEET AT K STREET 90 FEET AT 16TH STREET	
PENTHOUSE HEIGHT	18.5 FEET	15.33 FEET	
PENTHOUSE AREA	7,441 SQUARE FEET	5,900 SQUARE FEET	
YARDS	NONE REQUIRED	NONE PROVIDED	
PARKING	23 MINIMUM REQUIRED	95 TOTAL INCL. 4 H.C.: (NONE CURRENTLY EXISTING) 45 MINIMUM	

GROSS FLOOR AREA TABULATIONS

	PROPOSED					TOTAL EXISTING	EXISTING SOLAR	EXISTING 1010 16TH ST
FLOOR	PARKING	LOADING	RETAIL	OFFICE	FLOOR TOTAL	FLOOR TOTAL	FLOOR TOTAL	FLOOR TOTAL
11				12,599	12,599			
10				14,354	14,354			
9				14,354	14,354			
8				20,114	20,114	17,499	17,499	
7				20,112	20,112	17,718	17,499	219
6				20,112	20,112	19,477	17,499	1,978
5				20,112	20,112	19,477	17,499	1,978
4				20,112	20,112	19,477	17,499	1,978
3				20,108	20,108	19,477	17,499	1,978
2				19,944	19,944	18,521	16,543	1,978
1	3,588	1,329	9,057	4,352	18,326	19,164	17,186	1,978
SUB-TOTAL	3,588	1,329	9,057	186,273	200,247	150,810	138,723	12,087
*-1	3,968		15,927		19,895	17,345	17,345	
*-2	17,457				17,457	14,907	14,907	
TOTAL	25,013	1,329	24,984	186,279	237,599	183,062	170,975	12,087

* below grade areas not included in FAR

SITE LANDSCAPE CALCULATIONS

	EXISTING	PROPOSED
SOFT SCAPED	3,907 SQ. FT.	3,927 SQ. FT.

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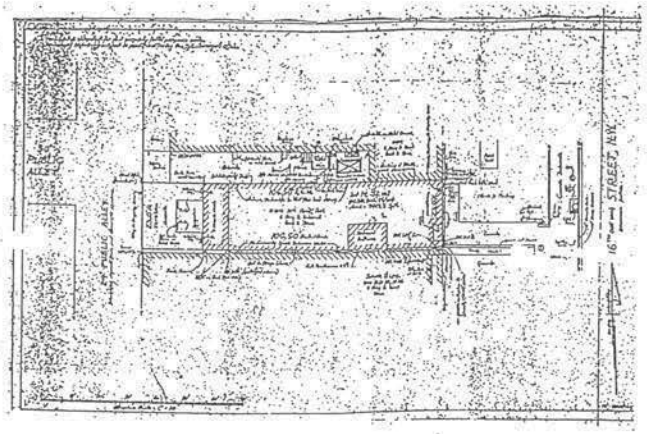
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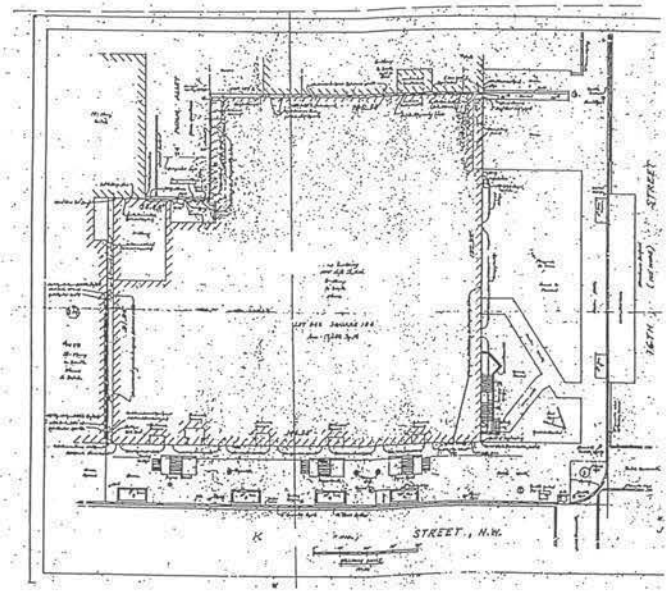
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ZONING TABULATIONS

PROJECT No. 20-44105.11
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Z-01





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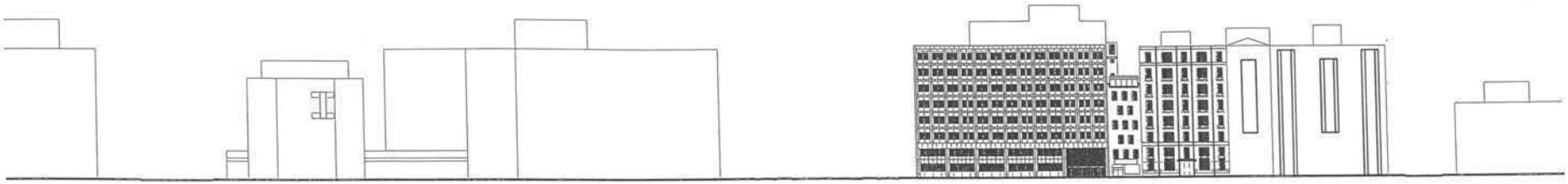
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Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

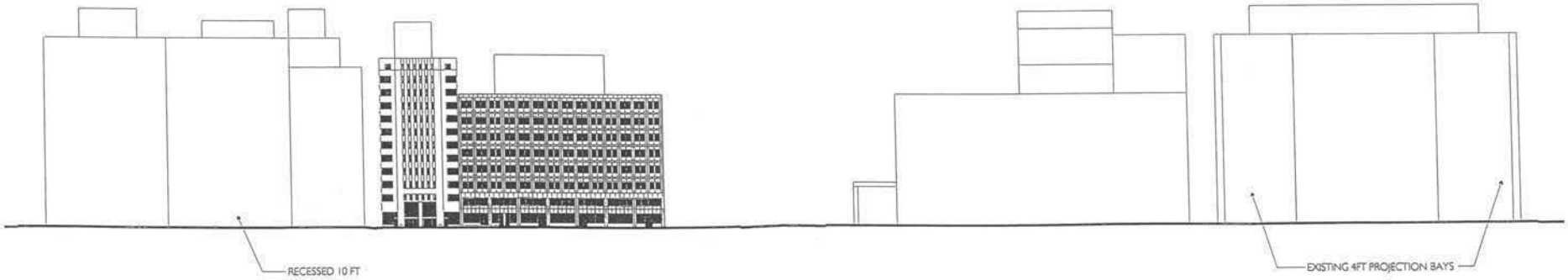
SITE SURVEY

PROJECT No.	20-99105.11
Date	05/25/2000

S-01



EXISTING 16TH STREET ELEVATION



EXISTING K STREET ELEVATION

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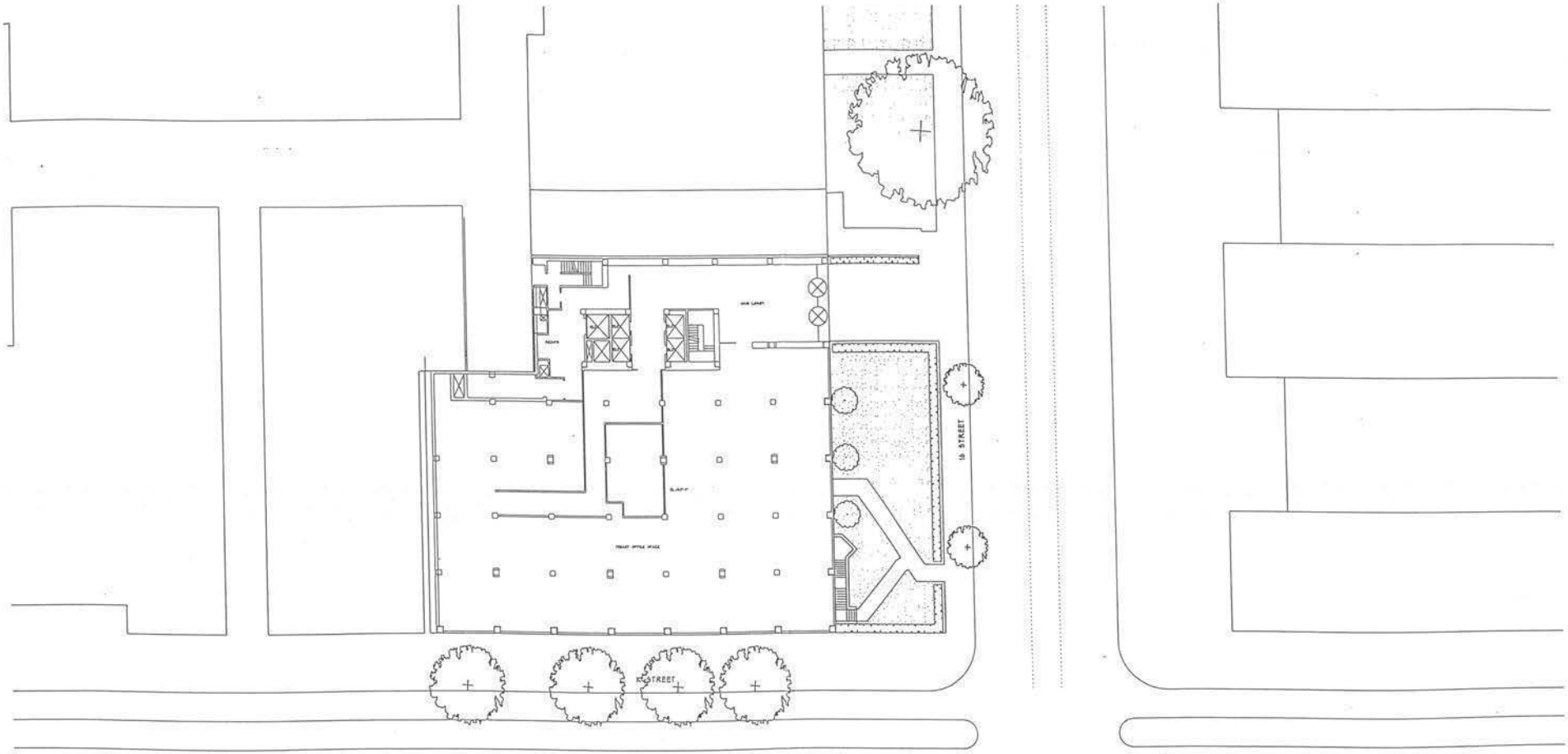
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EXISTING ELEVATIONS

10' 30' 10'

PROJECT No. 30-99105.11
Date 09/25/2000

S-02



EXISTING SITE PLAN
LANDSCAPE AND CIRCULATION PLAN

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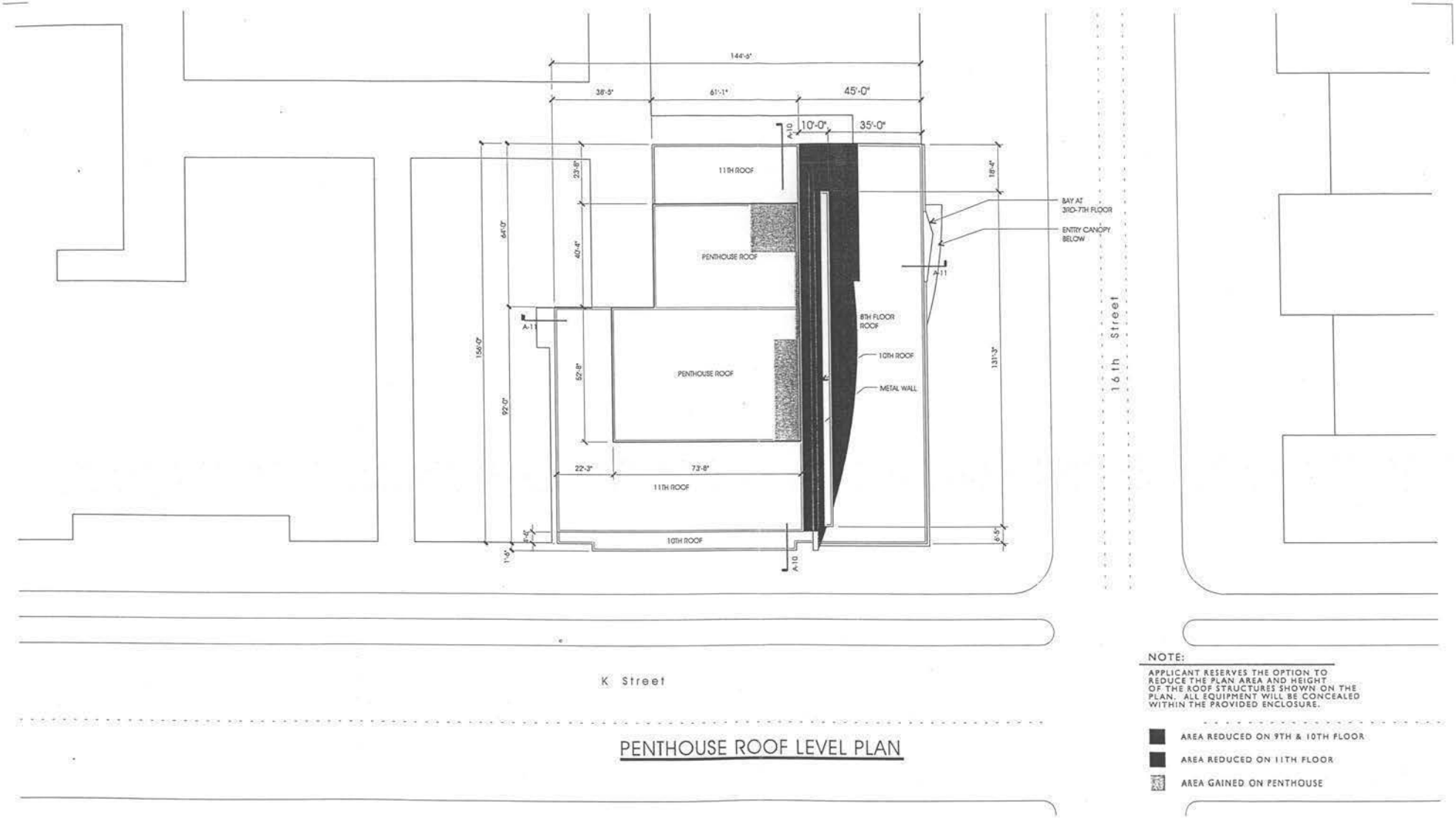
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5' 15' 35'

PROJECT No. 20-44105.11
Date 05/25/2000

S-03



NOTE:

APPLICANT RESERVES THE OPTION TO REDUCE THE PLAN AREA AND HEIGHT OF THE ROOF STRUCTURES SHOWN ON THE PLAN. ALL EQUIPMENT WILL BE CONCEALED WITHIN THE PROVIDED ENCLOSURE.

AREA REDUCED ON 9TH & 10TH FLOOR

AREA REDUCED ON 11TH FLOOR

AREA GAINED ON PENTHOUSE

PENTHOUSE ROOF LEVEL PLAN

COMPARISON - FLOOR PLAN

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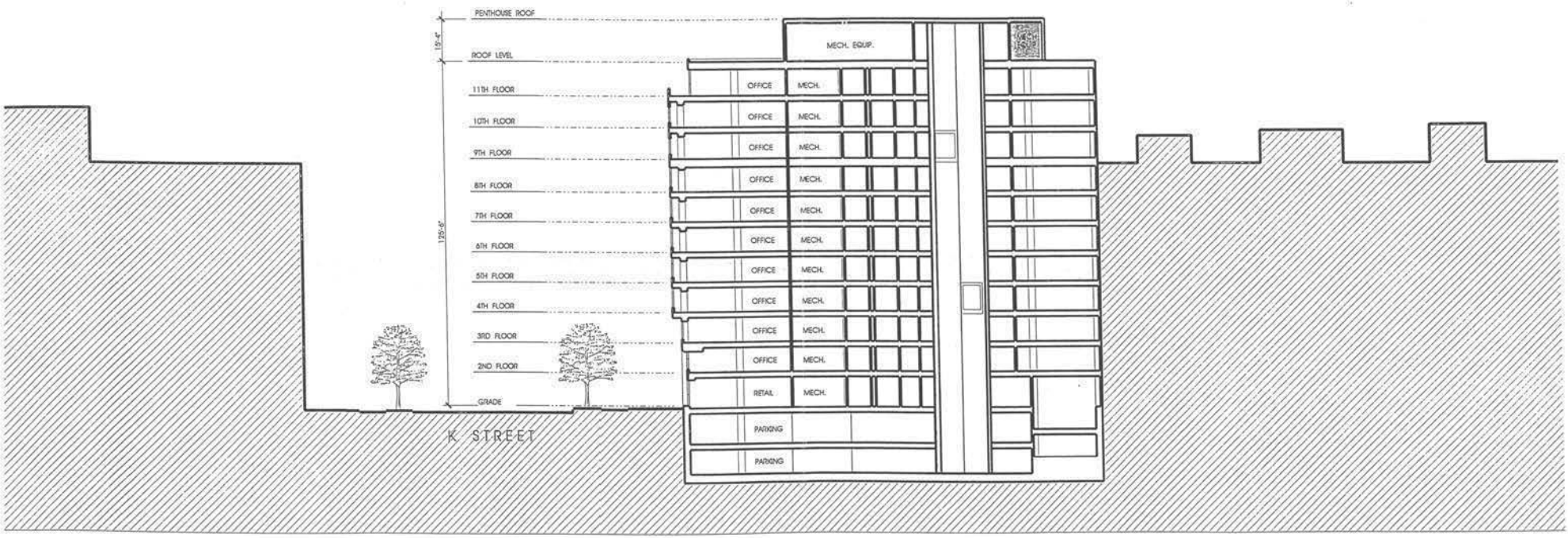
PLANNED UNIT DEVELOPMENT

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Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

5' 15' 35'

PROJECT No. 20-49105.11
Date 01/06/2000



AREA GAINED ON PENTHOUSE

THE SOLAR BUILDING

1001 16th STREET NW WASHINGTON DC

PLANNED UNIT DEVELOPMENT

COMPARISON - SECTION

5' 15' 35'

11

PROJECT No. 20-99109.11
Date 09/25/2000

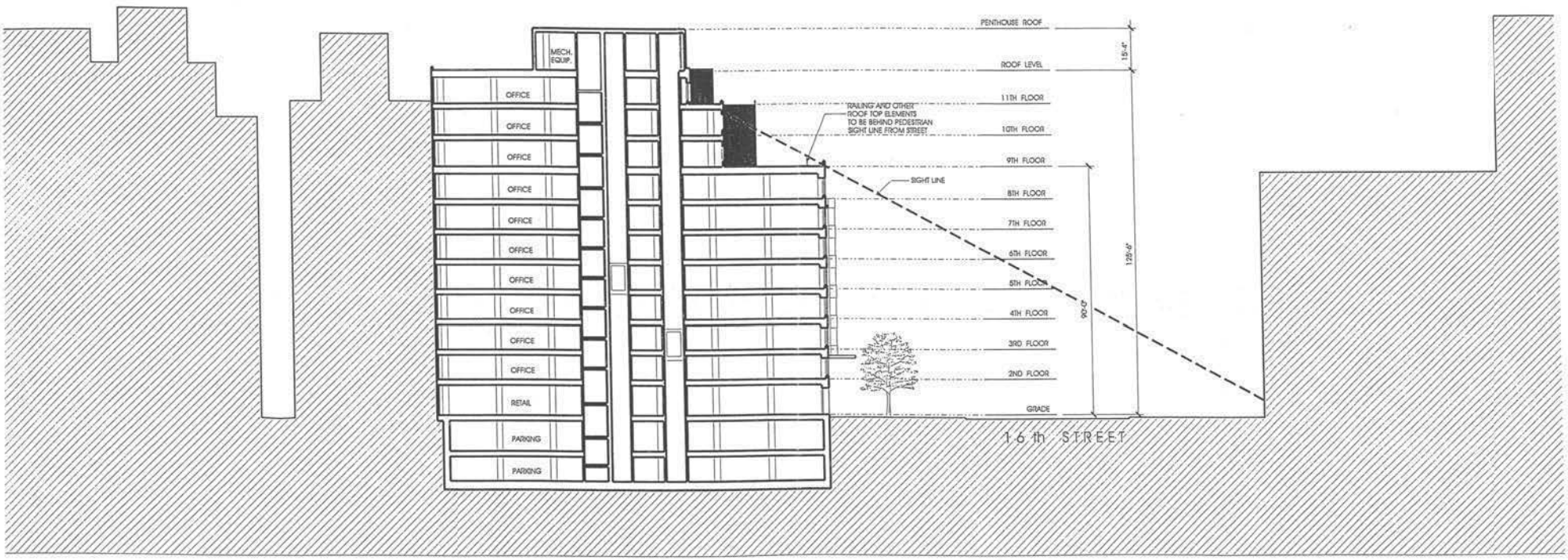
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AREA REDUCED ON 9TH & 10TH FLOOR

AREA REDUCED ON 11TH FLOOR

AREA GAINED ON PENTHOUSE

COMPARISON - SECTION

THE SOLAR BUILDING

PLANNED UNIT DEVELOPMENT

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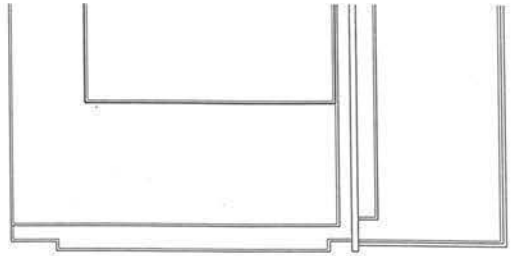
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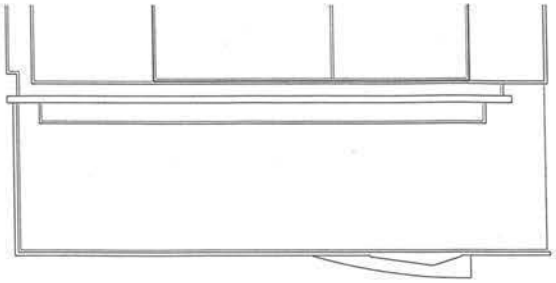
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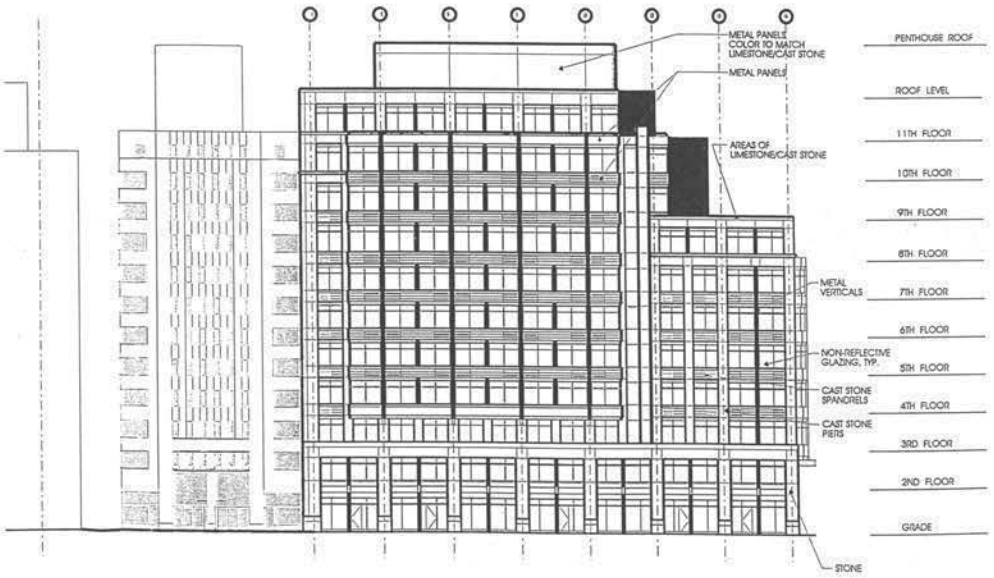
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PROJECT No. 20-99109.11
Date 05/25/2000

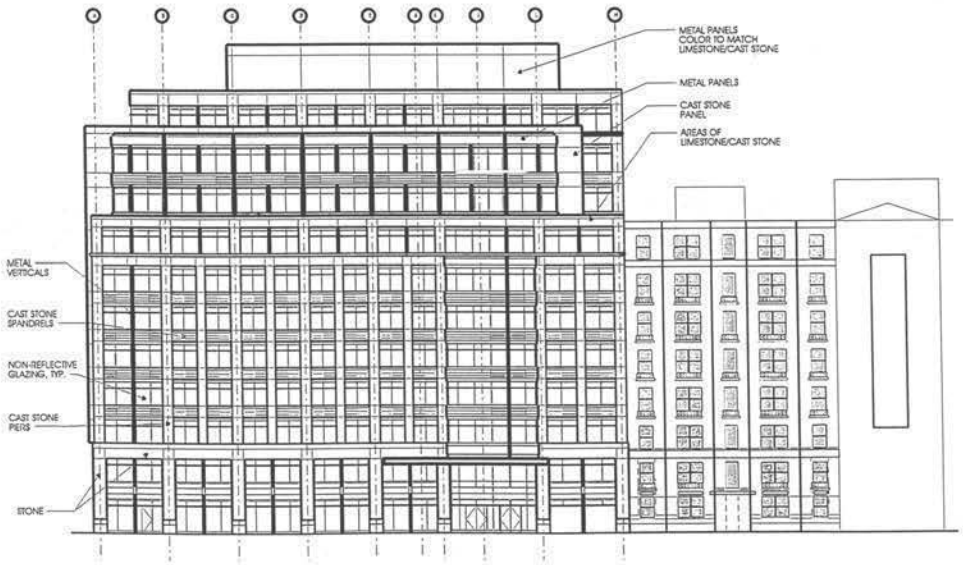
III







K STREET ELEVATION



16TH STREET ELEVATION

AREA REDUCED ON 9TH & 10TH FLOOR

AREA REDUCED ON 11TH FLOOR

AREA GAINED ON PENTHOUSE

COMPARISON - ELEVATIONS

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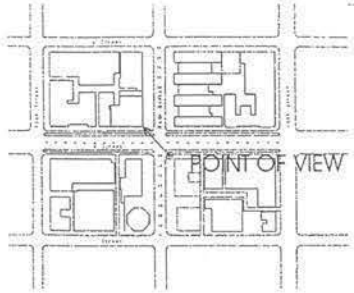
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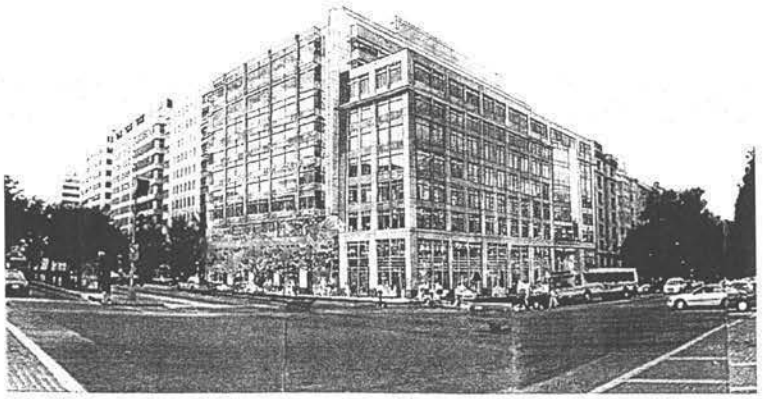
5' 15' 35'

PROJECT No. 20-41105.11





PREVIOUS DESIGN



CURRENT DESIGN

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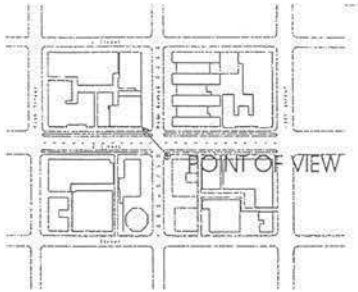
COMPARISON - PERSPECTIVE

PROJECT No. 20-44105.11
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V



PREVIOUS DESIGN





PERSPECTIVE RENDERING

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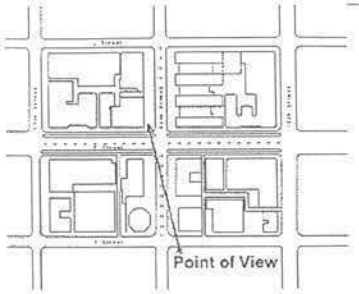
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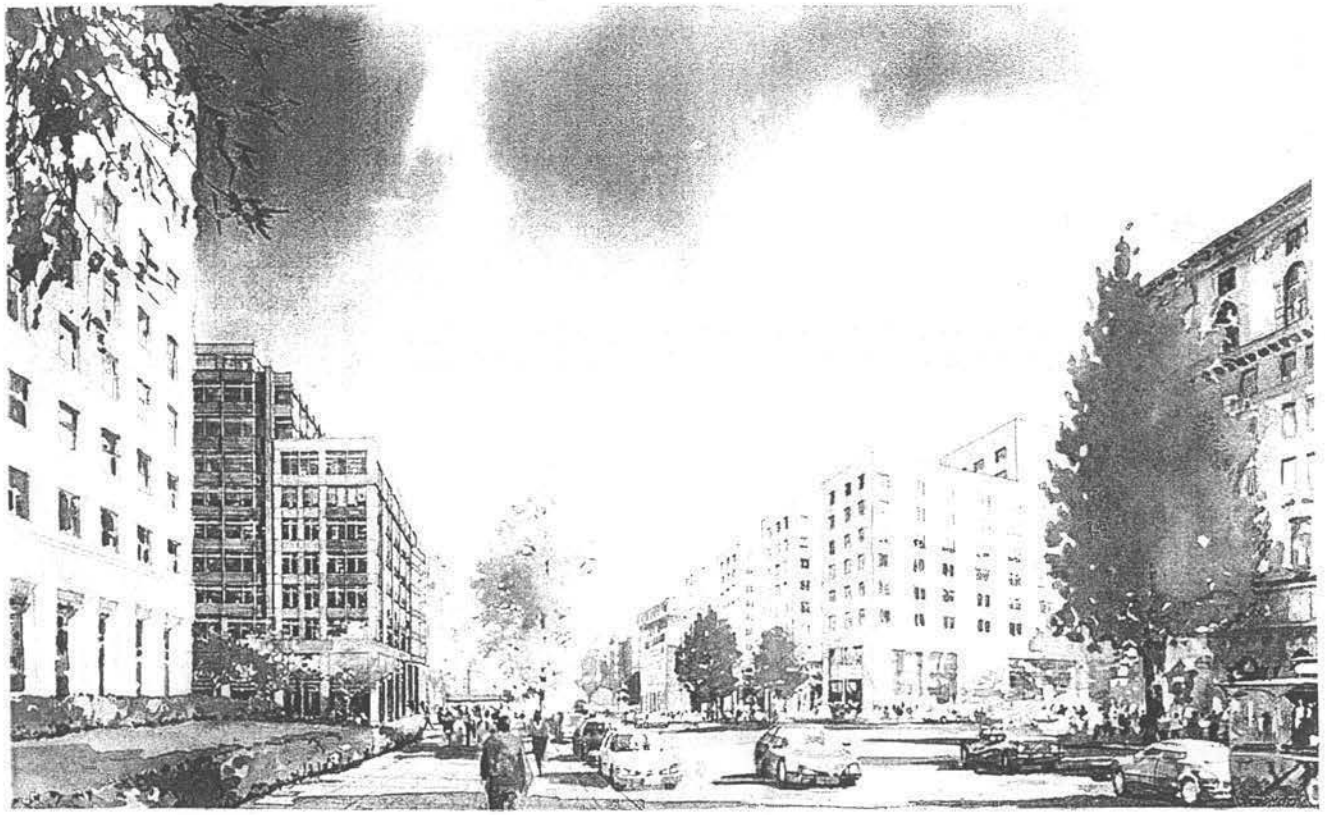
PROJECT No. 20-99105.11
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VI



PREVIOUS PHOTO





PERSPECTIVE RENDERING

THE SOLAR BUILDING

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PLANNED UNIT DEVELOPMENT

VII

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PREVIOUS PHOTO





PERSPECTIVE RENDERING

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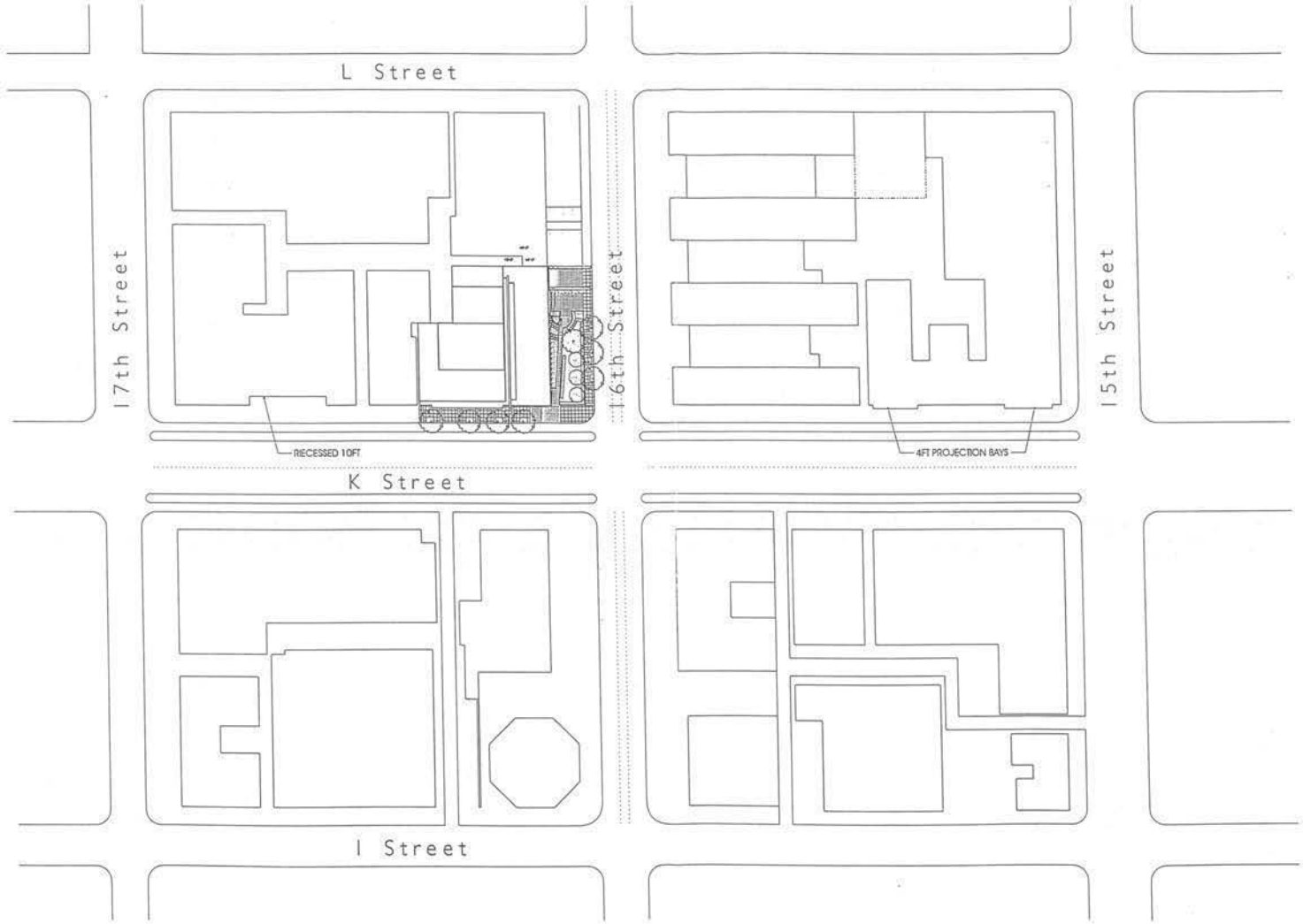
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VIII



CONTEXT PLAN

THE SOLAR BUILDING

1001 16th STREET NW WASHINGTON DC

PLANNED UNIT DEVELOPMENT

A-01

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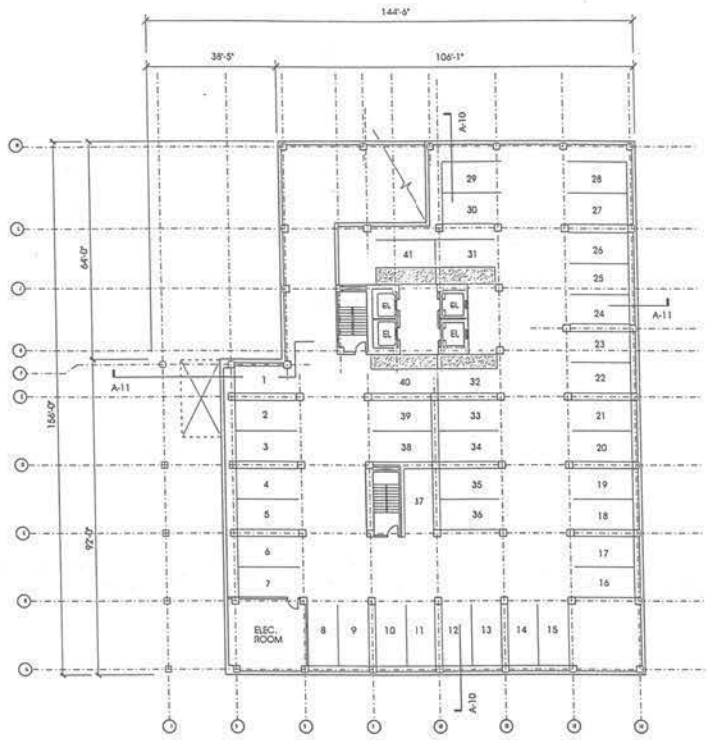
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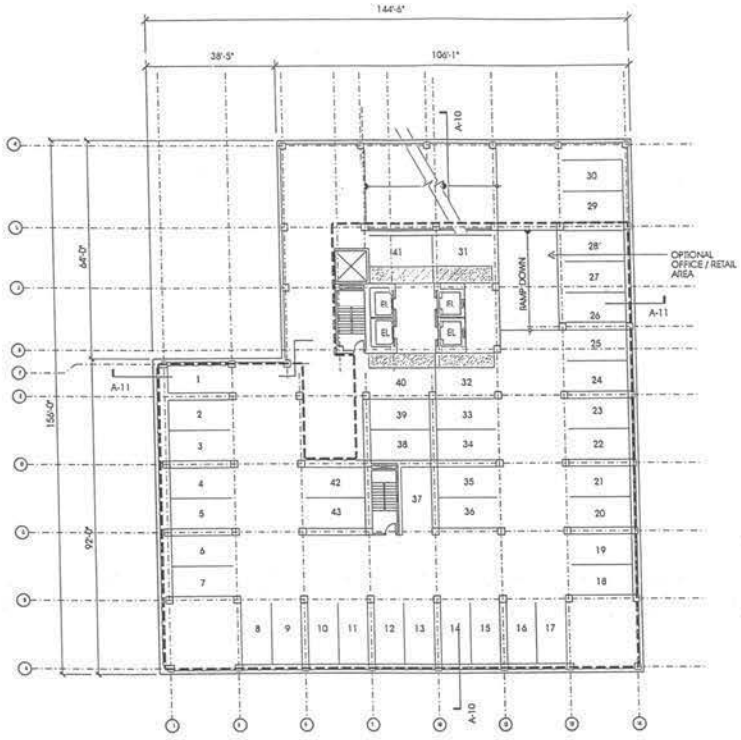
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Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

25' 50' 100'

PROJECT No. 20-44105.11
Date 05/25/2000



SUBLEVEL 2 PLAN



SUBLEVEL 1 PLAN

NOTE: THE EXISTING BUILDING HAS NO PARKING. CONVERSION TO PROVIDE PARKING ON TWO SUBGRADE LEVELS IS BEING INCLUDED AS PART OF THIS RENOVATION. SUBLEVEL 1 OPTIONAL OFFICE/RETAIL AREA IN PLACE OF PARKING AS INDICATED.

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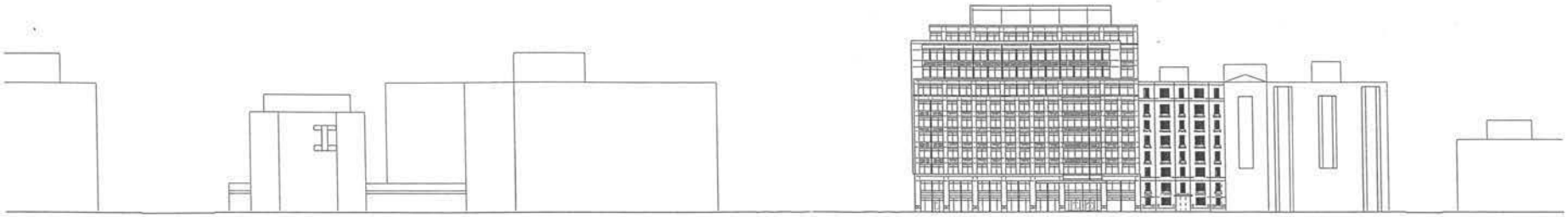
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Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

FLOOR PLANS

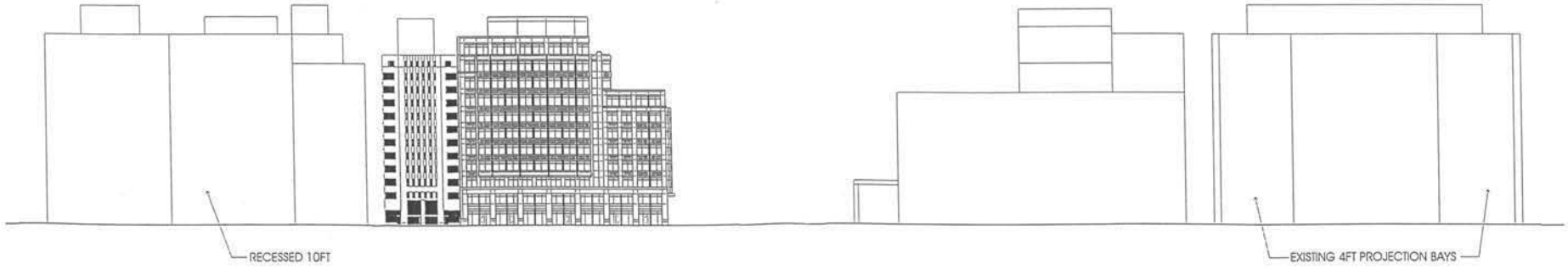
5' 15' 35'

PROJECT No. 20-44105.11
Date 05/25/2000

A-04



16TH STREET ELEVATION



K STREET ELEVATION

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THE SOLAR BUILDING

1001 16th STREET NW WASHINGTON DC

PLANNED UNIT DEVELOPMENT

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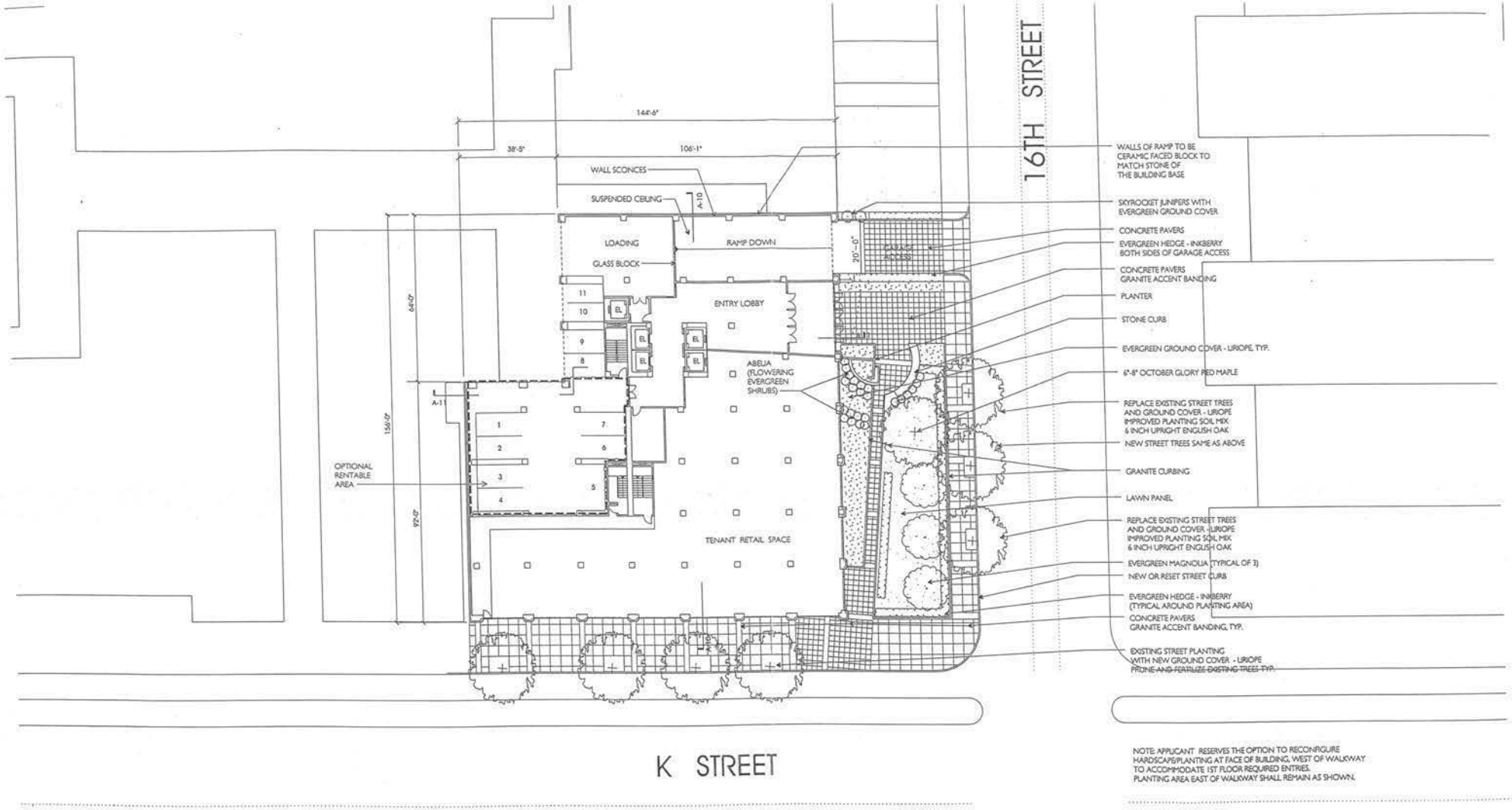
ARCHITECTS: RTKL ASSOCIATES
Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

CONTEXT ELEVATIONS

10' 30' 10'

PROJECT No. 20-99105.11
Date 07/06/2000

A-02



NOTE: APPLICANT RESERVES THE OPTION TO RECONFIGURE HARDSCAPE/PLANTING AT FACE OF BUILDING, WEST OF WALKWAY TO ACCOMMODATE 1ST FLOOR REQUIRED ENTRIES. PLANTING AREA EAST OF WALKWAY SHALL REMAIN AS SHOWN.

SITE PLAN
LANDSCAPE AND CIRCULATION PLAN

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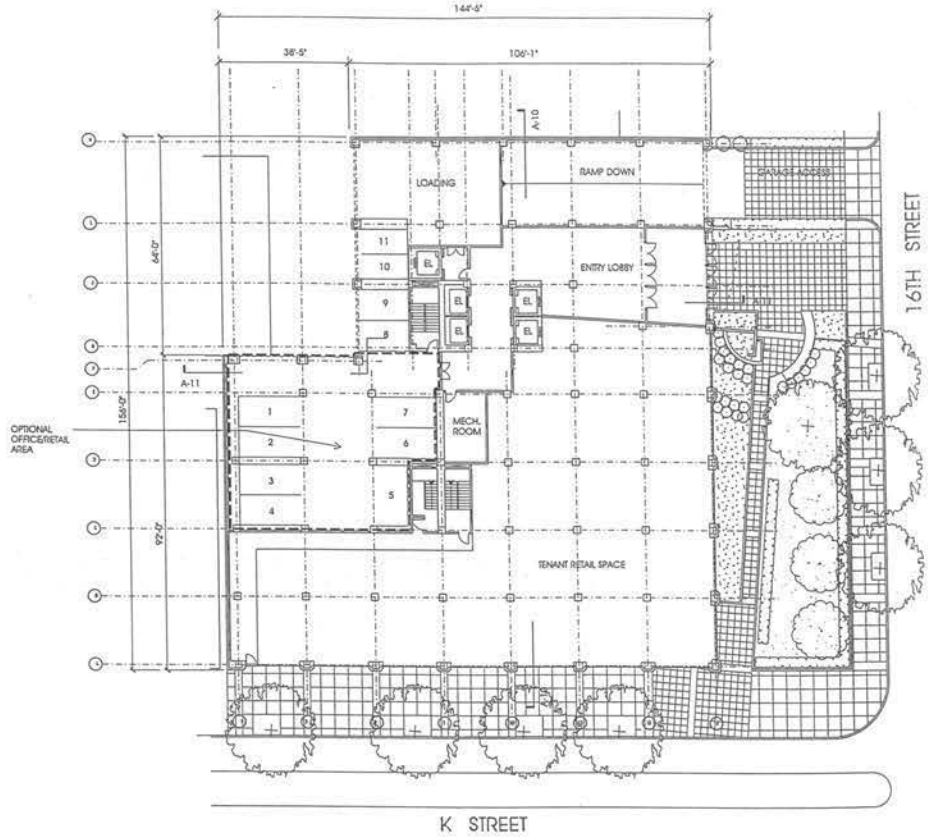
Developed by
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ARCHITECTS: RTKL ASSOCIATES
Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

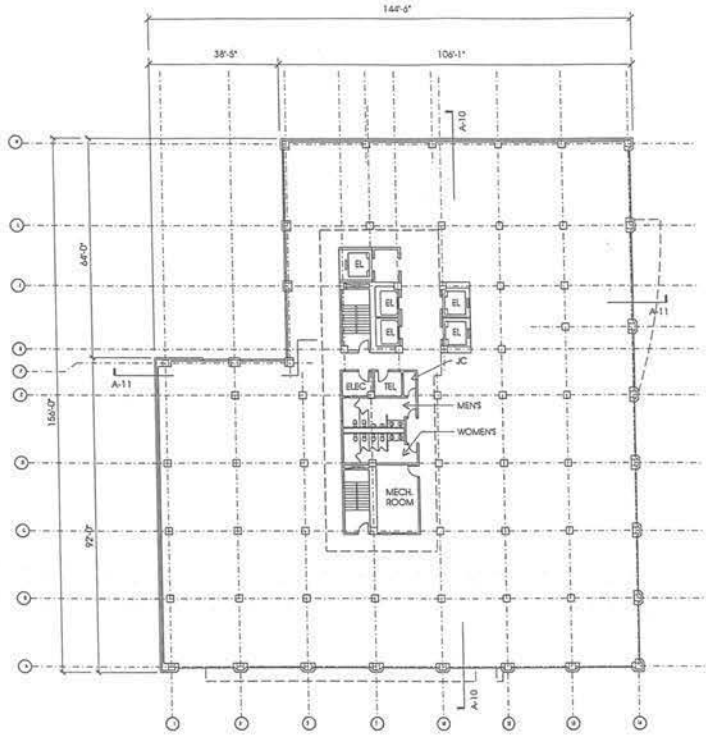
5' 15' 35'

PROJECT No. 20-99105.11
Date 05/25/2000

A-03



1ST LEVEL PLAN



2ND LEVEL PLAN

NOTE THE EXISTING BUILDING HAS NO PARKING. CONVERSION TO PROVIDE PARKING ON A PORTION OF THE GRADE LEVEL, PART OF WHICH IS OPTIONAL OFFICE/RETAIL AREA IN PLACE OF PARKING AS INDICATED.

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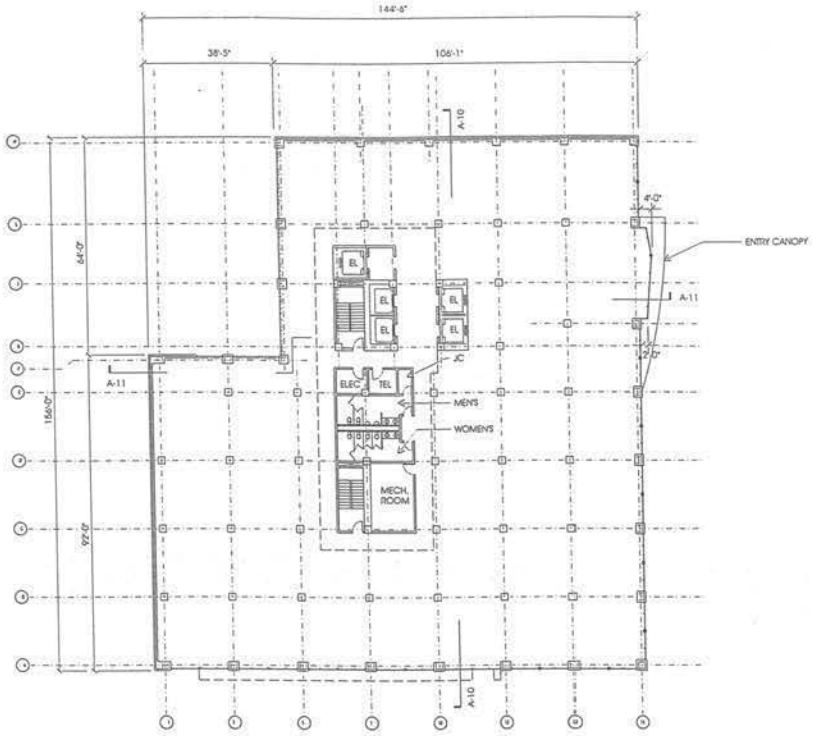
ARCHITECTS: RTKL ASSOCIATES
Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

FLOOR PLANS

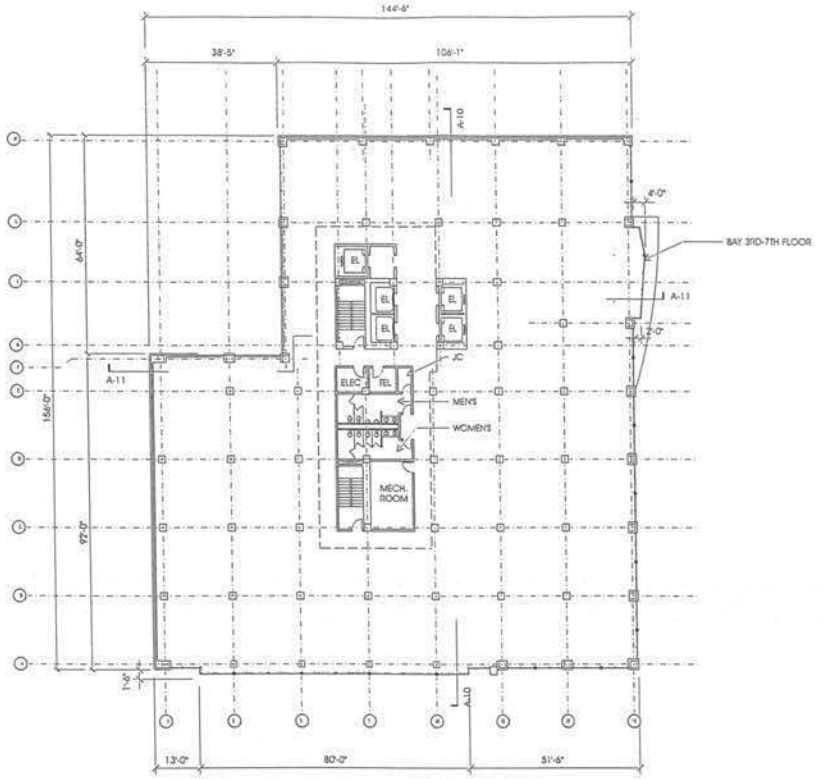
5' 15' 35'

PROJECT No. 20-44105.11
Date 05/25/2000

A-05



3RD LEVEL PLAN



4TH THROUGH 7TH LEVEL PLAN

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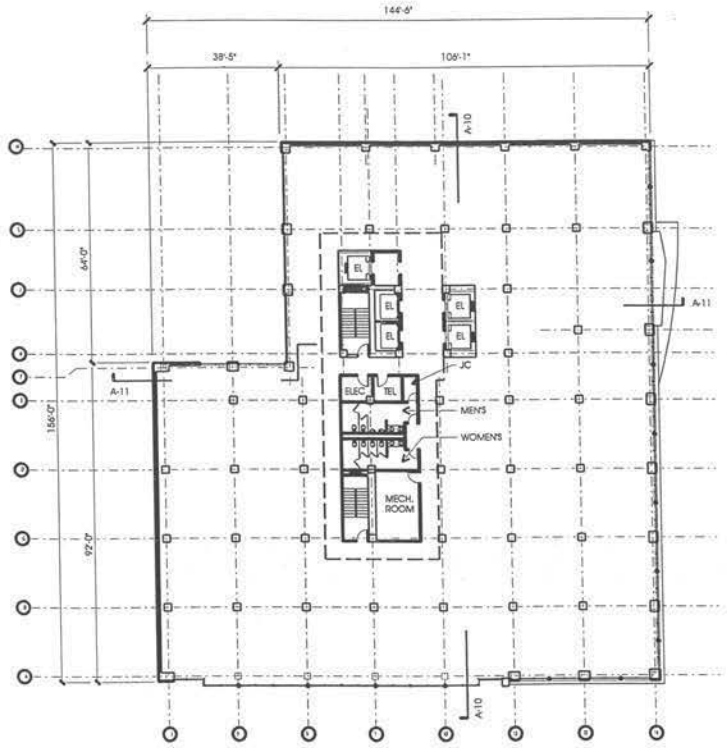
ARCHITECTS: RTKL ASSOCIATES
Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

FLOOR PLANS

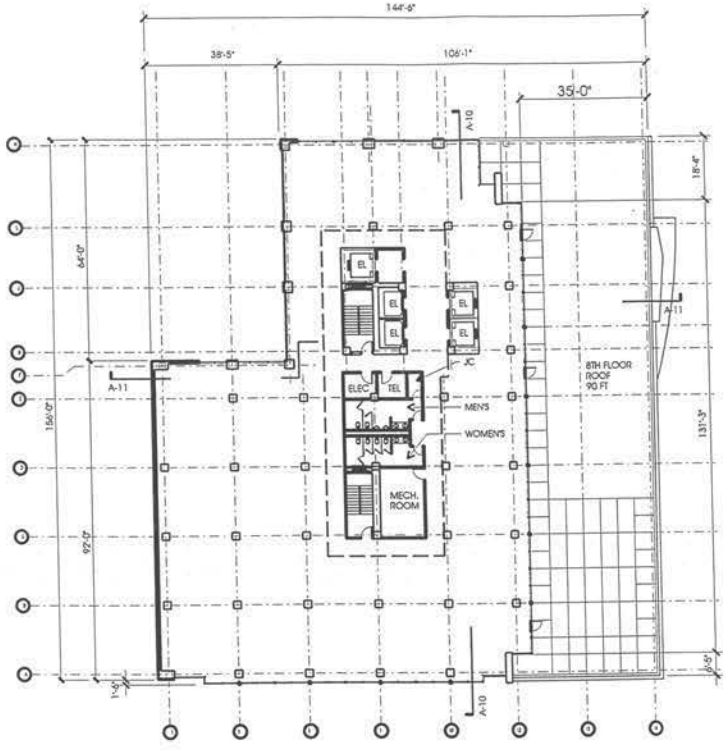
5' 15' 35'

PROJECT No. 20-44105.11
Date 01/06/2000

A-06



8TH LEVEL PLAN



9TH THROUGH 10TH LEVEL PLAN

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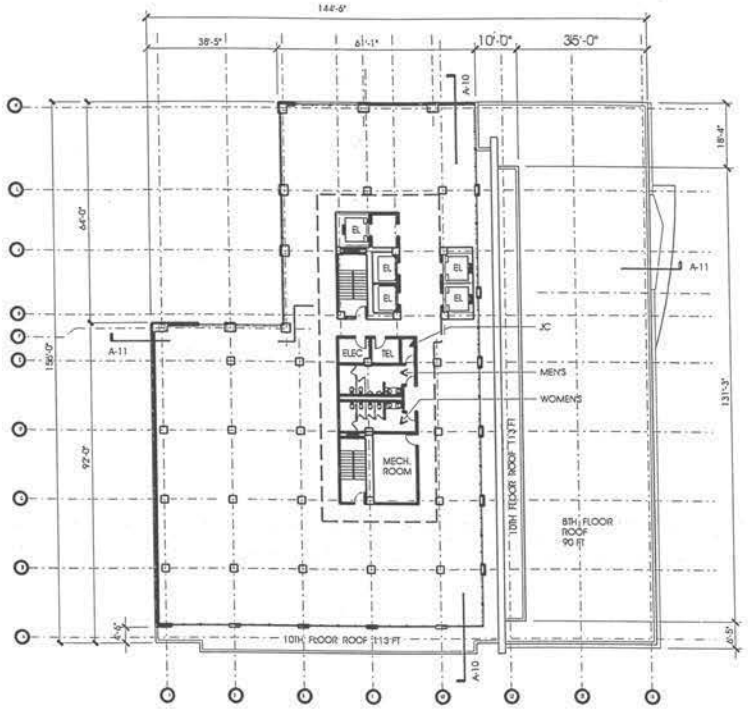
PLANNED UNIT DEVELOPMENT

ARCHITECTS: RTKL ASSOCIATES
Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

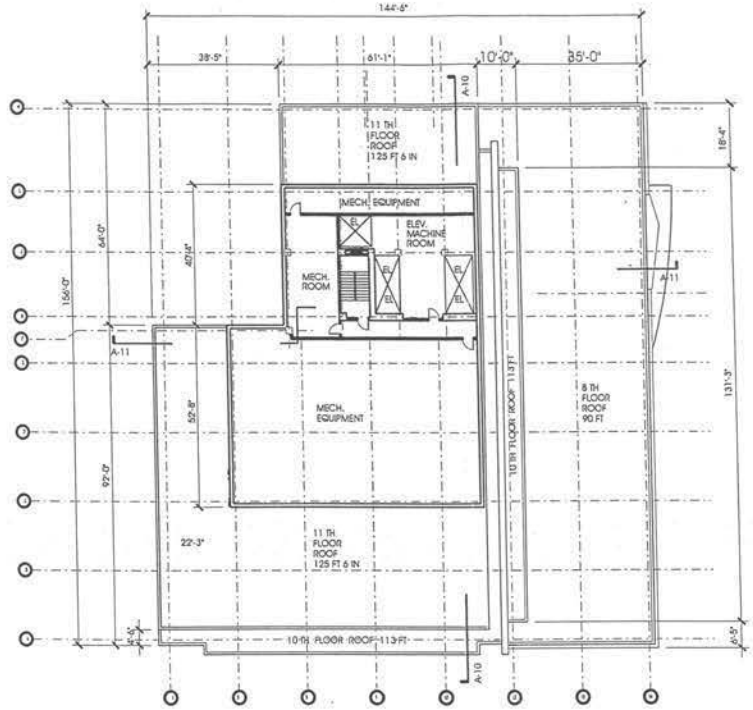
FLOOR PLANS

PROJECT No. 20-44105.11
Date 07/06/2000

A-07



11TH LEVEL PLAN



PENTHOUSE LEVEL PLAN

NOTE:

APPLICANT RESERVES THE OPTION TO REDUCE THE PLAN AREA AND HEIGHT OF THE ROOF STRUCTURES SHOWN ON THE PLAN. ALL EQUIPMENT WILL BE CONCEALED WITHIN THE PROVIDED ENCLOSURE.

FLOOR PLANS

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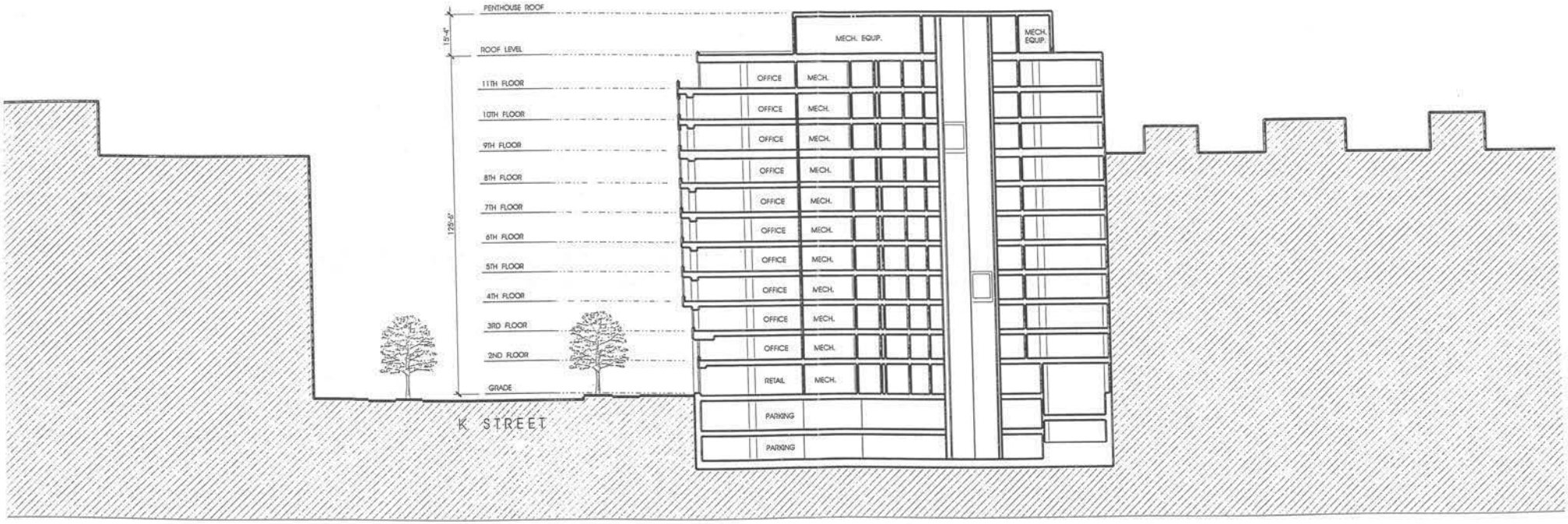
Developed by
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ARCHITECTS: RTKL ASSOCIATES
Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

5' 15' 35'

PROJECT No. 20-99109.11
Date 05/25/2000

A-08



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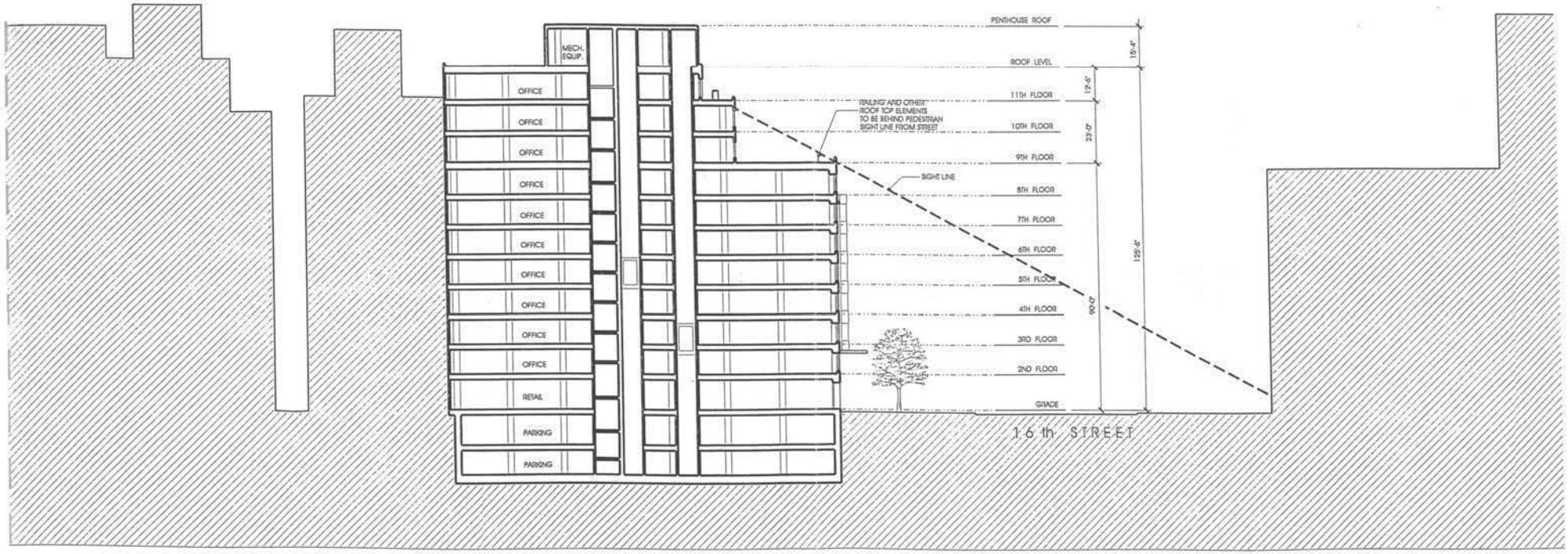
ARCHITECTS: RTKL ASSOCIATES
Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

BUILDING SECTION A-A

5' 15' 35'

PROJECT No. 20-44105.11
Date 05/25/2000

A-10



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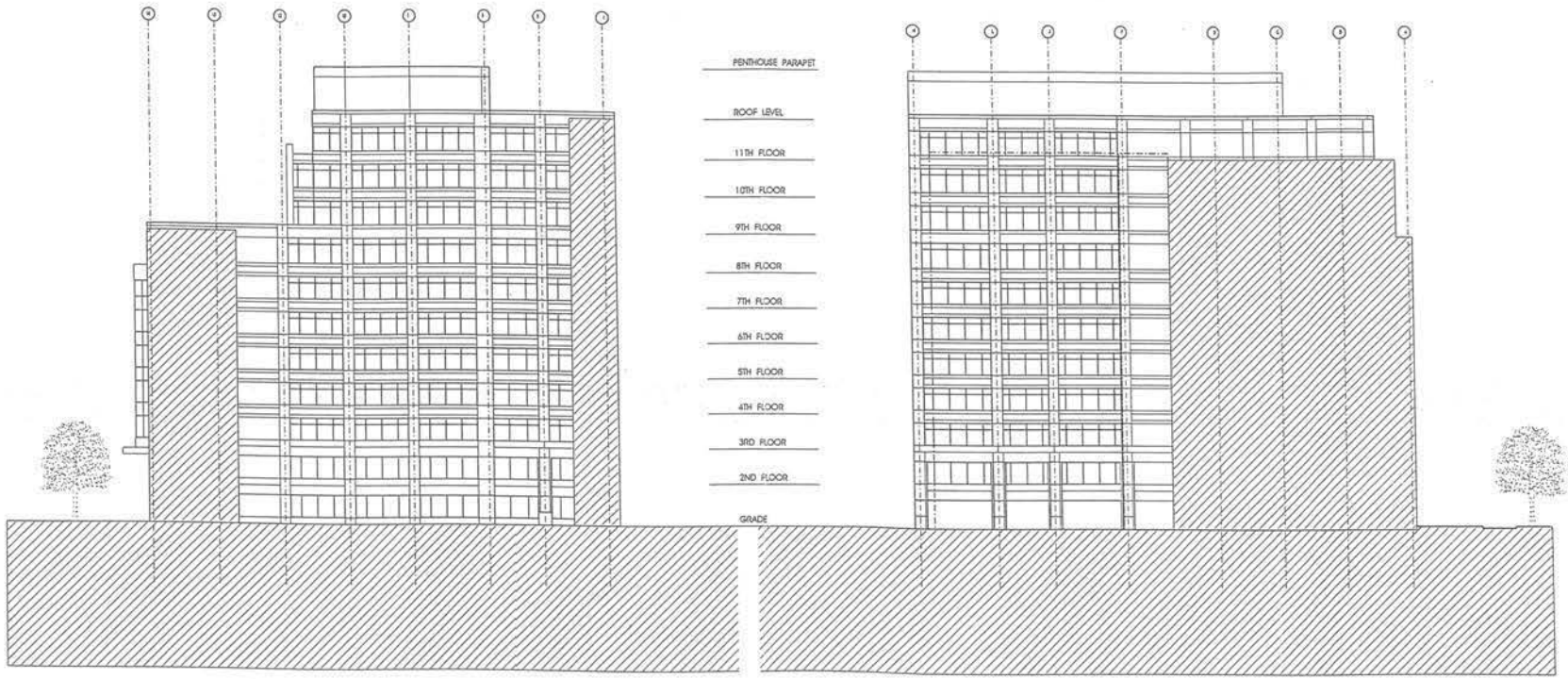
ARCHITECTS: RTKL ASSOCIATES
Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

BUILDING SECTION B-B

5' 15' 35'

PROJECT No. 20-44105.11
Date 05/25/2000

A-11



NORTH ELEVATION

WEST ELEVATION

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PLANNED UNIT DEVELOPMENT

ARCHITECTS: RTKL ASSOCIATES
Structural Engineers: KCE STRUCTURAL ENGINEERS, P.C.

BUILDING ELEVATIONS

5' 15' 35'

PROJECT No. 20-49109.11
Date 05/25/2000

A-13

5

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 906
Case No. 98-14C
(Consolidated Planned Unit Development and Related
Map Amendment for the Solar Building at 1000 16th Street, N.W.)
October 16, 2000

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on December 17, 1998, and further hearings on March 25, 1999, and June 8, 2000, to consider an application from JBG/6006 Limited Partnership for consolidated review and approval of a planned unit development (PUD) and related map amendment pursuant to Chapter 24 and Section 102, respectively, of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022. For the reasons stated below, the Zoning Commission hereby approves this application, as modified.

PROCEDURAL MATTERS

A. The Application and its Modification.

1. On June 29, 1998, the applicant filed an application for the consolidated review and approval of a planned unit development and related map amendment from SP-2 to C-4 for the property located at 1000 and 1010 16th Street, N.W., Lots 59 and 842 in Square 184.

2. The subject site is "split-zoned," with the SP-2 District mapped along 16th Street, N.W., to a depth of forty-five feet at the southern portion of the site, and a depth of approximately 106 feet at the northern portion of the site. The remainder of the site along K Street is mapped in the C-4 District. As originally submitted, the application proposed that the boundary between the C-4 and SP-2 Districts would be twenty feet from and parallel to the 16th Street right-of-way.

3. In response to comments raised by the Commission at the first hearing, the architect restudied the treatment of the base of the building and refined this portion of the design to create a visual character more pleasing for pedestrians. By post-hearing submission dated December 23, 1998, the architect submitted revised drawings, which changed the exterior

material from metal panels to granite at the first two floors along both the K and 16th Street elevations. The change imparted a heavier character to the building's base to support the lighter colored limestone and metal panels above and to allow for additional articulation of details at the sidewalk level. Additionally, sconce-type light fixtures were included on each stone column to further enrich and define the pedestrian level. The materials at the upper floors also were changed from metal to limestone to complement the base of the building. Finally, the projecting bay on the K Street facade was reduced from three feet to one and one-half feet to better match the variety and diversity of street planes along K Street, while at the same time adding shadow and definition to the elevation. The Applicant obtained approval for the projecting bays from Department of Consumer and Regulatory Affairs.

4. During the Zoning Commission's public meeting on January 11, 1999, the applicant was asked to restudy certain aspects of the design of the project including the extent of the setback along 16th Street. The Applicant requested and was granted the opportunity to present the revised plans at a further hearing on March 25, 1999. At that hearing, the architect testified that the applicant's central focus in the redesign effort was to reduce further the visual impact of the building on 16th Street, both at the top and the bottom. As redesigned, the additional floors were minimally visible from strategically sensitive points along 16th Street and completely out of view from most points. Further, the garage entrance was modified to minimize its visual impact through a reduction in the original proposed door height of ten feet, four inches to eight feet, the replacement of the single garage entrance with two smaller openings, the use of finish materials in the inside of the garage which are similar in color to the exterior to minimize the contrast when the doors are open and the use of glass at the rear of the building to allow natural light to fill the garage ramp and entry area. Further, the garage driveway will be paved with unit pavers accented with granite blocks and the entry will be marked by wall scones.

5. In the first set of revised drawings that were presented at the further hearing on March 25, 1999, the radius of the curved element was softened and set back an additional five feet from 16th Street resulting in a minimum setback of twenty-five feet. The curved element was eliminated in the final drawings and the setback at that level was increased to thirty-five feet.

6. In the plans presented at the further hearing on March 25, 1999, the overall height of the building including the penthouse was reduced by seven feet, eight inches through (1) a three foot, two inch reduction in the height of the penthouse; and (2) a four foot, six inch reduction in the height of the roof. The four foot, six-inch reduction was achieved by a one foot, six-inch reduction per floor on the 9th, 10th and 11th floors.

7. The revised plans also included some changes to the landscaping including the addition of a specimen tree and a slight decrease in the amount of paved area thereby enhancing the green space to an amount which marginally exceeds that which presently exists.

8. The plans were further revised and presented at the further hearing on June 8, 2000. The key revisions to the project included the extension of the depth of the strip of SP zoning along 16th Street to thirty feet as opposed to the earlier proposed twenty foot strip. The remainder of the site, consisting of 15,431.00 square feet of land, would be located in the C-4 zone. Additionally, the upper stories of the building above ninety feet are set back from 16th Street a minimum of thirty-five feet on floors nine and ten as compared to twenty-five feet in the previous design. The 11th floor is set back an additional ten feet to provide a setback of forty-five feet. The project's extensive setbacks further reduce the mass of the addition along 16th Street as compared to the earlier plan.

9. The design of the project also was changed to a more traditional vocabulary. The curved element and the sky canopy have been eliminated and the massing more closely reflects a traditional "base-middle-top" composition that is found in several neighboring buildings along 16th Street. The proposed high-quality building materials and neutral colors are more compatible with the existing buildings along 16th Street.

10. By submission dated July 7, 2000, the Applicant provided the Commission with detailed drawings including a restudy of the 16th Street facade. The restudy includes the use of a more traditional fenestration pattern including punched windows, a significant decrease in the amount of glass on the 16th Street elevation and the introduction of more shading and shadowing in the facade.

B. The Hearings, the Parties, and the Actions of the Commission.

1. The first hearing on the application was held December 17, 1998.

2. At the outset of that hearing, the Zoning Commission addressed the issue of whether notice was properly given for the first hearing. A representative from the Office of Zoning stated that the thirty day notice required by D.C. Code § 5-415 had been met and that notice of the hearing was published in the D.C. Register on November 6, 1998, in accordance with the Zoning Regulations set forth at 11 DCMR 3014. However, due to financial constraints, the D.C. Office of Documents did not mail the D.C. Register timely and thus the forty day notice requirement was not met. No person or party objected to proceeding with the hearing. Pursuant to its authority under 11 DCMR 3000.9, the Commission waived its requirement for the forty-day notice because no party would be prejudiced by such waiver and the thirty day statutorily required notice was sufficient.

3. The Commission further determined that the parties to the case were the Applicant, Advisory Neighborhood Commission ("ANC") 2B, the ANC within which the property is located, and Presidential Owners, Inc., the association of owners of the cooperative apartment building located at 1026 16th Street, N.W.

4. Fort the reasons discussed above, a further hearing was held March 25, 1999.

5. At its May, 1999, meeting, the Zoning Commission took proposed action by a vote of three to two to approve the plans that were presented at the further hearing on March 25, 1999. The National Capital Planning Commission ("NCPC") also recommended approval of the PUD at its meeting on August 7, 1999.

6. Prior to the final action by the Zoning Commission, the composition of the Zoning Commission changed which resulted in a two to two tie on the vote for final action. The Applicant opted to make the previously discussed further revisions to the application, and plans in an effort to break the tie. The Applicant's request to reopen the record was filed on February 28, 2000. The revised plans were considered in a second further hearing that was held on June 8, 2000.

7. The Zoning Commission took proposed action approving the application, as modified, on September 11, 2000.

8. The proposed action of the Zoning Commission to approve the modified application with conditions was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by action dated October 5, 2000, found the proposed PUD would not affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

9. The Zoning Commission took final action to approve the modified application on October 16, 2000.

FINDINGS OF FACT

DESCRIPTION OF THE PROJECT

1. The property is presently improved with the eight-story commercial office building known as the Solar Building at 1000 16th Street, N.W., and a smaller six-story office building located at 1010 16th Street, N.W., commonly referred to as the Taca Building, in reference to its current tenant, Taca Airlines. The applicant proposes to demolish the six-story office building and redevelop, renovate and expand the Solar Building. The project contemplates the addition of three stories to the western portion of the building and the conversion of existing basement space to a below grade parking garage. In the final plans that were considered at the further hearing on June 8, 2000, the building included a gross floor area of 200,247 square feet.

2. The subject property is situated in Ward 2 at the intersection of 16th and K Streets, N.W., in the city's primary commercial office corridor. The rectangular site is approximately 144 feet along K Street and approximately 156 feet along 16th Street, N.W. The site is

located in the Connecticut and K Street area of the Central Employment Area under the Comprehensive Plan, which is characterized by high-density commercial structures.

3. Large office buildings with a predominant height of 130 feet are located to the east and west of the site along K Street. Immediately adjacent to the site at 1625 K Street is the Commonwealth Building, a twelve-story structure constructed in 1941. Further west are the office buildings at 1627 K Street and 1629 K Street, N.W. (the Davis Building), constructed to a height of 130 feet. The Investment Building located one block to the east at 1511 K Street, N.W., is 130 feet in height. The area along 16th Street includes similar buildings, with a predominant height of ninety feet. The Capital Hilton Hotel, immediately across 16th Street from the Solar Building, is ninety feet in height at the property line, with a setback to the ultimate height of 130 feet.

4. The C-4 District is designed for the downtown core that comprises the retail and office centers of the District of Columbia. The C-4 District permits a maximum height of 130 feet if the property abuts a street which is at least 110 feet wide, such as K Street. In addition, the C-4 District permits a maximum floor area ratio (FAR) of 10.0 if a building can be built to a height in excess of 110 feet. Under the PUD guidelines for the C-4 District, the density may be increased to 11.0 FAR. In addition, a five percent increase beyond the maximum height or FAR permitted under the guidelines is allowed under Section 2405.3 of the Zoning Regulations provided that the increase is essential to the successful functioning of the project and is consistent with the purpose and evaluation standards of the planned unit development regulations.

5. The SP District is designed to serve those areas adjacent to high-density commercial zones for the special purpose of buffering adjoining commercial and residential areas. The SP-2 District is a high-density zone that allows new residential development to be constructed at a higher density than new office development. Buildings in the SP-2 Zone may be constructed to a height of ninety feet, with no limit on the number of stories. The permitted FAR in the SP-2 District is 6.0 for an apartment house or other residential use, and 3.5 for other permitted uses, with a maximum FAR of 6.0. Under the PUD guidelines for the SP-2 District, the density may be increased to 6.5 FAR, with a maximum of 4.5 FAR devoted to commercial uses. An additional five percent of FAR is allowed pursuant to Section 2405.3 as described above. Presently, the SP Zone District permits with BZA approval office building additions for office use or conversion of buildings to office use.

6. Under the PUD guidelines, the C-4 portion of the subject property yields approximately 178,228.05 square feet of allowable commercial office space. The SP-2 portion of the site yields approximately 22,136.40 square feet of allowable commercial space. The total aggregate gross floor area permitted under the two zones is 200,306 square feet of commercial office space, or a blended FAR of 9.96 under the PUD guidelines.

7. The applicant's purpose in proposing the PUD is to upgrade, restore and create parking for an aging, obsolete commercial office building and return it to a position of prominence at one of the most highly visible intersections in the city. The renovated building will be at the cutting edge of technology, with significant advanced systems built within its core. Such technology, coupled with the creation of parking, the special design of the structure, its setbacks, and materials will revitalize and stimulate growth in the area, and create a "signature project at a signature intersection."

8. The Solar Building will be gutted down to its structural frame and the six-story building at 1010 16th Street, N.W., will be demolished to allow for the expansion of the Solar Building footprint. Three floors will be added to the top of the existing Solar Building, with appropriate setbacks at both 16th and K Streets, N.W. In deference to the special character of 16th Street, several distinct elements have been introduced to the design of that elevation. First, a projecting cornice line is placed at the top of the seventh floor level to follow the cornice lines of buildings along 16th Street. Second, the scale of the facade is broken down by creating deep recesses for the glass window openings, with a fenestration that follows the patterns established by other 16th Street buildings. Finally, a projecting bay above the entrance marks the front door of the remodeled structure on the primary facade. The 16th Street elevation is further emphasized by continuing the same theme onto the K Street elevation beyond the proposed SP-2 boundary to a depth of forty feet.

9. Under the current zoning, the 130 foot height may begin forty-five feet from the 16th Street property line. The maximum height of the building as proposed will be 125.5 feet, which is setback forty-five feet from the 16th Street frontage. The height of the building facing 16th Street is ninety feet. There is an intermediate height of 113 feet prior to reaching the maximum.

10. The proposed final redesign represents a workable solution to the Commission's concerns for this unique site. The 16th Street facade responds well to its context. The proposed materials will further enhance its compatibility. Similarly, the K Street facade is compatible with nearby buildings along this commercial corridor. The design provides a building that is lower than the full building height that is permitted in the C-4 zone and the maximum FAR allowable for the site as rezoned. The proposed redesign includes significant setbacks of the upper stories from 16th Street.

11. There will be extensive landscaping elements introduced to the PUD site. A lawn panel with flowering magnolia trees would line the 16th Street frontage, with a hedge surrounding the lawn. Three English oak trees, six inches in caliper, would also be planted in the landscaped area to supplement the existing trees. Additionally, evergreens would be located between the garage and the front entrance to the building to act as a visual barrier to vehicular traffic. Precast paved rows, with granite bands, would line the sidewalk on both 16th and K Street. Finally, the 16th Street entrance will be marked with a special landscape feature.

12. In further deference to the special character of 16th Street, signage restrictions will be instituted to limit the size, number and lighting of signs in a manner appropriate to the particular qualities of 16th Street.

13. There will be a minimum of forty-two self park spaces contained in a below grade garage. With managed parking, the garage can accommodate seventy-seven parking spaces. If the building can provide a second level of parking, the building would contain ninety-five fixed parking spaces and have the capacity for accommodating 160 cars through a managed parking scheme. Access to the parking would be via a curb cut and driveway from 16th Street at the northern edge of the property. The building has no parking at present.

14. There will be a loading berth on the northwest corner of the first floor of the building. Access to the loading berth will be via the public alley system in the Square. The building has no loading at present.

15. The following superior benefits and amenities will be created as a result of the PUD project:

A. Urban Design and Architecture. The proposed renovation and expansion of the Solar Building has been designed to complement the surrounding large-scale commercial buildings while at the same time respecting the special character of the 16th Street area. The dated appearance of the existing building, currently characterized as a square office box without parking, and its obsolete mechanical and programmatic systems, will be replaced with a modern, attractive, friendly design to restore the 16th and K Street corner to a position of prominence in the city. The rezoning of a portion of the site will also solve an extremely difficult and irregularly shaped zoning boundary line. Finally, the PUD will include extensive landscaping, not only on 16th Street but K Street, as well, at expenditures in excess of $100,000 more than what would typically be provided for a matter of right office building. The exceptional new design, extensive landscaping and reconfiguration of the zoning boundary line will provide high quality, superior design features to reinforce the visual identity of the Central Employment Area.

B. Housing. Under Subsection 2403.9(f) of the Zoning Regulations, the PUD guidelines specifically state that the production of housing is a public benefit that the PUD process is designed to encourage. In furtherance of this important goal, the proposed PUD project will work with the Marshall Heights Community Development Organization ("MHCDO"), an affordable housing provider, to construct low and moderate-income dwellings at the Banneker Ridge project located at Minnesota Avenue and Anacostia Road, S.E. The site is designated as a Housing Opportunity Area in the Comprehensive Plan. Because the housing

amenity for this PUD will be located off-site and in a Housing Opportunity Area, the amount of affordable housing provided must equal one-third the amount of additional gross floor area achieved at the PUD site than would otherwise be allowed as a matter of right under the proposed zone district.

As originally proposed, JBG would have achieved an additional 13,000 square feet of gross floor area devoted to office space. Based on the formulas set forth in Section 2404.6(a) of the Zoning Regulations, the applicant would have been required to provide approximately 6,500 square feet of housing anywhere in the District of Columbia or 4,290 square feet in ANC 2B or a Housing Opportunity Area. The applicant agreed to work with MHCDO to secure the production of five single-family houses at Banneker Ridge. The applicant agreed to offset $100,000 of the unanticipated additional development costs associated with these units.

Under the revised plans, the amount of SP zoning was increased from the earlier plans resulting in a larger housing requirement. The Applicant agreed to work with MHCDO to offset $280,000 of costs associated with the development of seven houses at a minimum of 1,500 square feet per house resulting in at least 10,500 square feet of housing. The construction of seven single-family houses in a Housing Opportunity Area meets the requirement in Section 2404.6 and represents the fulfillment of an important housing goal of the city.

C. Special Value to the Neighborhood. The applicant will make a $100,000 contribution to Ross Elementary School located at 1730 R Street, N.W., in Ward 2 (ANC 2B) to address specific needs of the school and thereby enhance the quality of the educational programs for its students. The contribution will assist in the acquisition of desperately needed audio-visual equipment, books and other resources for the teachers. This contribution targets an identified need of special value to the neighborhood and thus also constitutes an important amenity of the PUD project.

D. Revenue for the District. The provision of additional commercial office space and below grade parking will generate additional tax revenues for the District. Property taxes alone are expected to increase by approximately $470,000. Employment, sales and other revenue sources will further add to the District's income.

E. Local Business Opportunities. The applicant will execute a Memorandum of Understanding with the D.C. Local Business Opportunity Commission in order to achieve, at a minimum, the goal of thirty-five percent participation by small, local and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance and security for the project to be created as a result of the PUD project. This memorandum

contributes significantly to the District of Columbia goal of ensuring adequate opportunities for small and local businesses to participate in development projects throughout the city.

F. First Source Employment Opportunities. Likewise, in furtherance of Mayor's Order No. 83-265 and D.C. Law 5-93, the applicant will execute a First Source Employment Agreement with the Department of Employment Services (DOES) in order to achieve the goal of utilizing District of Columbia residents for at least 51 percent of the jobs created by the PUD project. The applicant will use DOES as its first source for recruitment, referral and placement of new hires for employees whose jobs are created by the PUD.

16. The proposed PUD does not meet the normal matter-of-right requirements of the Zoning Regulations as follows:

A. The penthouse of the Solar Building is set back only one foot from the 11th floor roof edge along 16th Street. A setback equal to its height is required. The spirit of the setback requirement will be met, however, because the penthouse will be set back approximately forty-five feet from the principal face of the building along 16th Street. The penthouse, the location of which is dictated by the elevator core of the existing building, also does not meet the setback requirements along the alley elevation. Given the width of the alley, however, there is substantial setback of approximately twenty-eight feet from the adjoining property.

B. The applicant proposes flexibility from the restriction on non-accessory retail uses in the SP zones and the restrictions against direct access to the commercial establishment from outside of the building. Through restrictions on retail signage, however, the applicant will be able to maintain the special character of the 16th Street frontage. Only one thirty square foot retail sign will be permitted along the building's 16th Street frontage, which is less signage than permitted in the SP Zone and substantially less signage than currently exists.

C. The proposed loading berth does not meet the minimum requirements of the Zoning Regulations. Due to the physical constraints of the site, the proposed berth, although adequate in width, is twenty-five feet deep and does not meet the minimum required depth of thirty feet. Because there is no loading berth associated with the existing building, the new berth will, nevertheless, provide greatly improved service to the building.

REPORTS OF GOVERNMENT AGENCIES

17. By reports dated December 10, 1998, and June 6, 2000, and through testimony presented at the public hearings, the Office of Planning (OP) recommended approval of the proposed PUD. The OP concluded that the high-quality commercial office renovation

and expansion project is consistent with the proposed partial rezoning of the site and the Comprehensive Plan. The project is also consistent with the amendment to the Generalized Land Use Map. The upper stories are set back from 16th Street and a strip of SP-2 zoning is to be retained along the entire 16th Street frontage. The design is appropriate for the site's location within the 16th Street Special Treatment Area. The proposed renovation and expansion of the Solar Building has been sensitively designed to complement surrounding large-scale commercial buildings while, at the same time, respecting the special character of 16th Street. The PUD will also provide superior benefits and amenities, including the production of affordable housing; a contribution to Ross Elementary School to improve its library; exemplary architecture and public space improvements; and LBOC and First Source Employment Agreements.

18. By report dated June 6, 2000, and by testimony at the further hearing, the OP recommended approval of the revised plans. The OP commented favorably regarding the increase in the setbacks from 16th Street and the increase in the amount of SP Zoning along 16th Street. The OP commented "the recent design is a significant improvement over the design that OP had previously supported." The OP commented that the design complements surrounding large-scale commercial buildings while respecting the special character of 16th Street. The OP noted that the garage entrance is particularly well designed and compatible with the 16th Street facade. In testimony at the hearing, the representative of the OP stated that the 16th Street driveway access to the garage was preferable to access from the alley given the congestion in the alley.

19. By an additional report dated June 8, 2000, the OP expressed its support of the proposed housing linkage arrangement which will provide $280,000 to MHCDO for the construction of seven 1,500 square foot houses. The OP report supports the concept of and need for "gap funding" of affordable housing projects. The OP recommended that the Zoning Commission adopt a minimum financial contribution per unit that reflects the difference between housing affordability for a family of four with a median income of fifty percent of the Washington Area average and the cost of constructing housing for such a family. The difference results in $40,000 per unit which is reflected in the $280,000 commitment for seven houses.

20. By letter dated June 8, 2000, the Department of Housing and Community Development ("DHCD") recommended approval of the revised PUD because it will result in the production of seven affordable single-family houses. The DHCD noted that the arrangement will result in compliance with the housing linkage provision of the Zoning Regulations. The project will revitalize an extremely significant corner in the District of Columbia, greatly improve the built environment and increase tax revenues by approximately $470,000 annually. The design maintains a strong presence along K Street while respecting the historic character of 16th Street through appropriate setbacks and facade treatments. Earlier, by letter dated December 17, 1998, the DHCD previously had recommended approval of the original version of the PUD application.

21. By report submitted to the Office of Planning dated December 16, 1998, the Department of Public Works ("DPW") recommended approval of the PUD proposal. The thirty-two peak hour automobile trips traffic generated by the project will have limited impact on the capacity and level of services of the existing intersections in the area. The Traffic Operations and Safety Division of DPW found that there will be little or no impact on traffic operations resulting from the proposed curb cut on 16th Street. In a meeting with the traffic expert, DPW recommended against garage access from the K Street service lane.

22. By report submitted to the Office of Zoning dated March 18, 1999, DPW responded to the Commission's request for a further evaluation of the garage access issue. The report stated that DPW supports access from 16th Street. The DPW based its conclusions on an examination of vehicular and pedestrian traffic along 16th Street which indicated that the anticipated level of traffic generated by the parking garage should not significantly impact vehicles or pedestrians on 16th Street. The report did not recommend access from the K Street side of the building because K Street carries more vehicular and pedestrian traffic than 16th Street and would present the potential for pedestrian/vehicular conflicts. Further, access through the alley was not recommended because the alley is not adjacent to the building and two-way traffic in and out of the parking facility could negatively impact other uses of the alley.

POSITION OF ANC 2B

23. ANC 2B, by letter dated December 10, 1998, and testimony presented at the public hearing, opposed the project. The ANC objected to the project because the proposed design redefines the building as a K Street, C-4 commercial structure when the building is actually a 16th Street structure which should respect the symbolic importance of 16th Street in the L'Enfant Plan and its designation as a Special Treatment Area in the Comprehensive Plan. It also objected to the reduction of the SP zone on this site and the potential precedent it would create in other SP-zoned portions of the city. It stated that the change in zoning would constitute an incursion of the C-4 zone into the lower 16th Street area. The ANC also stated that the inclusion of a parking garage with a 16th Street entrance would intrude on the special character of the street, eliminate green space, and create a pedestrian hazard for pedestrians on the sidewalk.

24. ANC 2B, by letter dated April 28, 1999, advised that three of the five expressed concerns about the project had been resolved in continued discussions with the applicant. The areas of agreement were set forth in Attachment B to the ANC's letter. Nonetheless, the ANC indicated its continued opposition to the project despite the revisions to the plans submitted by the applicant and shown to the Commission at the further hearing on March 25, 1999, because of the extent of the rezoning to C-4 and the garage entrance on 16th Street.

25. ANC 2B by letter dated May 30, 2000, expressed its continued opposition to the PUD, as revised. The two main areas of opposition centered on the continued presence of a garage entrance on 16th Street and the failure to increase the width of the strip of SP zoning to 45-feet. ANC 2B acknowledged that the revised plans and the increase in the SP strip from twenty to thirty feet were an improvement over the earlier plans.

OTHER LETTERS AND TESTIMONY IN SUPPORT AND OPPOSITION

26. Lloyd D. Smith, President Emeritus of the MHCDO, testified in support of the application at the hearing on December 17, 1998. He stated that the proposed PUD is a worthwhile and substantial development, which includes the significant benefit of housing through the proposed contract construction agreement with MHCDO. Based on the earlier version of the plans, Mr. Smith testified that the applicant will facilitate the completion of five single-family houses at the Banneker Ridge project in Ward 7 by offsetting $100,000 in unanticipated development costs that could not otherwise be passed along to a qualified purchaser of affordable housing. This amount was increased in connection with the revised plans. At the request of the Commission, additional information dated December 23, 1998, was submitted to the record describing the terms of the contract construction agreement, the budget/control process, escrow accounts, inspections required for release of funds, fulfillment and termination of contractual obligations, and conceptual design plans for the project.

27. Charles Cotton of the Board of MHCDO testified at the hearing on June 8, 2000, that, with the revised agreement and the provision of additional funds, MHCDO will be able to produce seven single-family houses.

28. By letter dated December 16, 1998, Gloria C. Smith, Principal of Ross Elementary School, stated that the applicant's proposed contribution of $100,000 as part of the PUD amenities package would be used to upgrade the school library through renovations and the purchase of books, periodicals and other resource materials.

29. Letters of support were received into the record from the Capital Hilton Hotel, the Carlton Hotel, and IBG Partners, L.L.C., an owner of the World Center Building, all located at the intersection of 16th and K Streets, N.W.; 1016 16th Street Venture, the adjacent owner to the north; the Floyd E. Davis Company, owner of 1629 K Street, N.W.; Charles E. Smith Commercial Realty, manager of several Class A buildings in the vicinity of the Solar Building; and the Kaempfer Company, developer of the Investment Building at 15th and K Streets, NW.

30. Mr. Jim Nathanson of the Committee of 100 on the Federal City testified in opposition to the project at the December 17, 1998, hearing. He stated that the PUD proposal represents the worst in planning and ad hoc spot zoning in the District of Columbia. He stated that the proposed height and setbacks are inconsistent with the Comprehensive

Plan and detract from the historic vista along 16th Street. He further testified that the project is inconsistent with the recent amendments to the Comprehensive Plan, although he conceded that the amendments did not yet have the force of law.

31. The Cooperative Housing Coalition of Washington, D.C. submitted a letter dated December 17, 1998, in opposition to the project.

CONDITIONS AGREED TO BY THE APPLICANT

32. At the close of the further hearing on March 25, 1999, the Commission requested that the applicant meet with the parties in an effort to resolve areas of disagreement regarding the project. Such a meeting was held on April 1, 1999, attended by Benjamin Jacobs, Douglas Palladino, David Jacobs, Ashkan Sepassi, Allison Prince, and Whayne Quin on behalf of the Applicant, Jim Nathanson, Kyle Pitsor, Desmond Foynes, Gordon Tanner, Carol Mitten and Meredith DeHart, on behalf of the community and Lyle Blanchard on behalf of Councilmember Jack Evans. At the meeting, Ms. Mitten, as the representative of the Presidential Owners, Inc., presented five outstanding areas of concern. Consensus was reached with the applicant on the following issues with continued disagreement on the remaining two. Consensus was reached as follows:

A. The applicant agreed to limit uses on the SP-2 zoned portion of the site to the following: bank or financial institution, bar or cocktail lounge only as part of a restaurant, optician, jewelry store, restaurant (not including fast food), reproduction services (in basement only). In addition, the following amenities may be offered as part of a concierge service: dry-cleaning, shoeshine, flower stand, parcel delivery.

B. The applicant also agreed that any valet parking associated with the restaurant and the building will be handled through the garage entry. Further, the applicant agreed to refrain from the use of any public space along the entire 16th Street frontage for outdoor dining.

C. The applicant agreed to only one retail entry on 16th Street in addition to the building entrance. The applicant agreed to allow only one retail sign along the 16th Street frontage of the building. Further, the applicant agreed to limit the size of such sign to thirty square feet. In response to the community request for valet restaurant parking, the applicant clarified its agreement with the Commission that there will be no signage associated with the parking garage, either movable or permanent, except for signage required to direct patrons to the restaurant valet service.

D, The parties agreed that the materials along the 16th Street facade of the building are acceptable given the design of that elevation of the building.

E. The applicant agreed that the building will have managed parking. The parking will be used for tenants and guests of the building only. The garage will be closed to uncontrolled public access from 9:00 P.M. until 6:00 A.M. during which time access shall be limited by electronic control. The applicant agreed to include signage within the garage alerting drivers departing from the garage to stop before crossing the sidewalk and to refrain from making a left turn to proceed northward on 16th Street. The applicant agreed to trim the hedges adjacent to the garage driveway so as not to impede the sight line of drivers.

F. The applicant agreed to include language in the draft order identifying the unique nature of the property so as not to establish a basis for its use as precedent for other SP/C-4 split zone rezonings.

G. The parties continued to disagree on the extent of the site that is being rezoned to C-4 and the location of the garage entrance on 16th Street. Based on the continued disagreement over these issues, Ms. Mitten, on behalf of The Presidential and ANC-2B, remained opposed to the application.

33. The areas of agreement and disagreement did not change as a result of the further revisions to the plans that were considered by the Zoning Commission on June 8, 2000.

CONTESTED ISSUES

IMPACT ON 16TH STREET

34. Through a video presentation at the first hearing, the architect demonstrated that the addition to the existing solar building would have virtually no visual impact on the 16th Street vista from either the north or south. The combined effect of the changes to the plans since the original design was presented, as shown in the revised drawings and revised videotape presented on March 25, 1999, was that the addition would be almost imperceptible from 16th Street. The architect further showed a revised videotape at the June 8, 2000, hearing, demonstrating that, in the final design, the upper stories of the project will have no adverse visual impacts on 16th Street.

35. Steven E. Sher was recognized as an expert in urban planning in the District of Columbia and testified on behalf of the applicant at the hearing on December 17, 1998. He testified that the proposed PUD is compatible with the overall character of the surrounding 16th Street corridor, which is dominated by similar office and non-residential uses. The 16th Street frontage is characterized by a substantial setback of the upper stories and the retention of SP zoning along the site's entire 16th Street frontage. The proposed building scale, design and materials are compatible with nearby buildings and appropriate for 16th Street.

36. At the December 17, 1998, hearing, Carol Mitten, on behalf of the Presidential Owners, Inc., testified as a party in opposition to the PUD application because of its excessive height, the location of the parking garage and its driveway, the retail uses along 16th Street, and the additional traffic generated by the project.[1] She stated that the project would intrude upon the historic character of lower 16th Street, eliminate desirable green space through the introduction of a garage driveway, create a pedestrian traffic hazard at the sidewalk, and generally detract from the significant architectural and visual character of lower 16th Street. She further stated that the proposed rezoning of the SP-2 District to a depth of twenty feet was insufficient to maintain the special treatment area of 16th Street, and would set a negative precedent for other SP zoned property. She recommended that the rezoning request be denied, the height of the building be reduced and the garage access be relocated to the K Street service roadway.

37. In a submission dated March 10, 1999, and in testimony at the further hearing on March 25, 1999, Ms. Mitten stated that numerous office buildings in the downtown area have parking garage access via alleys that are less than twenty feet in width. She stated that the character of lower 16th Street should not be compromised to accommodate the proposed garage entrance. She also stated that the additional setback provided along 16th Street remains inadequate. Finally, she commented that the applicant's design lacks a strong traditional top element and detail at that height to reinforce the cornice line. She also urged the retention of as much green space as possible to preserve the character of lower 16th Street.

38. The Zoning Commission finds that proposed design, density, massing, scale, fenestration and materials of the overall composition properly enhance the historic qualities, vistas and special character of the lower 16th Street corridor. The issue of visual impacts on 16th Street has been adequately addressed by appropriate setbacks at the 9th, 10th and rooftop levels, including a final increase in setbacks as shown at the further hearing on June 8, 2000, and the reduction in the overall building height to 125.5 feet. The building above the ninety foot level is set back farther than the setback permitted for penthouses (with height of eighteen feet, six inches) and only ten feet further to the east than the existing zoning line at K Street. The applicant also has responded to the concern of the loss of SP zoning by increasing the proposed strip along 16th Street from twenty to thirty feet. The changes in the final set of drawings demonstrate the Applicant's extensive efforts to achieve consensus regarding the project. The final landscape plan includes no loss in green space even though the driveway is provided.

DRIVEWAY ACCESS ON 16TH STREET

39. Louis J. Slade, recognized by the Commission as an expert in traffic and transportation engineering, testified on behalf of the applicant in support of the application. Mr. Slade

[1] Ms. Mitten later joined the Zoning Commission and therefore recused herself from participation in the case as a Commission member.

testified that the garage driveway will be located along 16th Street at the northern edge of the property. He opined that this is the best alternative for the driveway location and that the proposed driveway will not interfere with the operation of the existing bus stop at the front of the Solar Building. He stated that access to a garage from the adjoining alleys would be substandard because the alleys from 17th Street and K Street at fifteen feet in width are too narrow to allow for two-way traffic. He testified that an alley must be twenty feet wide to accommodate two-way traffic. He further stated that even at this substandard width, the alley is already heavily traveled and would not be conducive to any additional vehicular trips. He also noted that access to the site is also inhibited by the median strip along the one-way service lane of K Street, which prohibits the smooth flow of traffic to the interior alley system and to any newly created curb cut along the site's K Street frontage.

40. With respect to pedestrian safety, Mr. Slade testified that there is no standard which prohibits a driveway if pedestrian and vehicular traffic flows reach certain levels. He stated that based on his studies, driveways crossing sidewalks do not create a pedestrian safety hazard. He testified further that even if such a potential hazard did exist, 16th Street is still the best location for the driveway because it generates only one-third of the pedestrian traffic of K Street.

41. In response to the Commission's request, Mr. Slade studied further the feasibility of access to the garage from the existing alley system to allow for the elimination of the proposed curb cut off of 16th Street. At the further hearing, Mr. Slade testified that the alley system would provide substandard access through two alleys of only fifteen feet in width. Neither alley abuts the building and one is at the opposite side of the square, allowing only a difficult and circuitous route to the rear of the Solar Building. He testified since the alleys do not permit two-way traffic flow given their width, congestion and blockage would result in queuing on to public streets. The 16th Street driveway, on the other hand, has been designed to provide on-site queuing within the building in order to prevent backing up onto public space.

42. In the applicant's Post-Hearing Submission dated February 19, 1999, Mr. Slade presented photographic documentation demonstrating that currently there is extensive congestion and blockage in the alley system. PEPCO service vehicles, in particular, create a highly congested alley system. Mr. Slade submitted a letter from PEPCO into the record indicating strong objection to the use of the alley system as sole access to the proposed parking garage.

43. Mr. Slade testified that although some office buildings gain access to their garages through alleys that are of substandard width, such buildings are generally at least ten to thirty years old and were designed in a manner that would be unacceptable by today's standards for Class A office buildings.

44. Desmond P. Foynes, recognized as an expert in the evaluation of real property by the Commission, testified on behalf of the Presidential Owners, Inc., in opposition to the application at all three hearings. He stated that the PUD would have the undesirable effect of eliminating green space along 16th Street and creating a pedestrian safety hazard due to the introduction of a garage driveway across the sidewalk. He further stated that the project would have negative traffic impacts by interfering with the operation of Metrobuses in front of the building and the generation of additional traffic that will exacerbate the over-saturated existing street grids

45. Dr. Everett Carter was recognized as an expert in transportation and testified on behalf of the Presidential Owners, Inc., in opposition to the application at the December 17, 1998, hearing. He indicated that northbound traffic on 16th Street would become more congested by vehicles attempting to turn left into the parking garage. He also testified that pedestrian safety would be better served by garage access from the K Street service roadway.

46. In response to questions raised by the Commission, Mr. Carter stated that it was his opinion that the traffic generated during the day by the Capitol Hilton Hotel, the Carlton Hotel and the University Club would be greater than what would be created by a general office building, such as the proposed PUD. He further stated that the amount of pedestrian traffic would be greater on K Street than on 16th Street.

47. At the further hearing on March 25, 1990, Dr. Carter testified that alley access to the parking garage would be workable with traffic management including the enforcement of the prohibition on illegal parking in the alley. Further, he questioned the addition of more traffic to the area given the existing levels of service at the intersection of 16th and K Streets.

48. The Commission finds that the garage ramp is most appropriately located along the 16th Street frontage of the building and therefore disagrees with the testimony of the project opponents. The opponents did not refute the testimony of the applicant's traffic expert indicating that the proposed location will affect fewer pedestrians than an access point on K Street, which generates three times as much foot traffic. The Commission also finds that, based on DPW's reports and the applicant's traffic expert, the existing alley system is unacceptable for a Class A building. The applicant's commitment to discourage tenants from making left turns across traffic into the garage and to exercise caution with respect to pedestrians through appropriate signage within the garage are adequate assurances against any potential pedestrian safety hazards. Further, the Commission credits the testimony of the applicant's traffic expert regarding the number of buses stopped along 16th Street at any one time and finds that cars turning into the Solar Building garage will not further exacerbate existing traffic congestion.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

49. Mr. Sher stated that the proposed PUD is consistent with the Comprehensive Plan and concluded that the application should be approved. He also testified that the project is consistent with the site's high-density commercial designation in the Land Use Element of the Comprehensive Plan. Further, he concluded that the project would be consistent with the then-proposed and later adopted amendment to the Land Use Map that changed the 16th Street frontage of the project to mixed-use, high-density residential/medium-high density commercial. Further, the project is located within the Central Employment Area of the city, which is the business and retail heart of the District and metropolitan area. He noted that in terms of square footage, office use is the largest commercial use within the CEA, and that the amount of space in the proposed PUD devoted to office use is consistent with the CEA. In further conformance with the Land Use Element, Mr. Sher stated that the project protects and enhances the special character of the 16th Street Special Treatment Area by virtue of its exceptional urban design and architectural features.

50. Mr. Sher also addressed the urban design elements of the Comprehensive Plan. He testified that the exceptional architectural features of the proposed PUD fulfill the objectives of the urban design element through its enhancement of the horizontal character of the buildings within the city and conformance with the Height Act of 1910. He noted that the 1910 Height Act relates building height to the width of the streets and that 16th and K Streets, at 160 and 147 feet in width, respectively, support the proposed height of the PUD.

51. Mr. Sher also testified that in his opinion the proposed PUD fulfills the historic preservation element of the Comprehensive Plan through its protection and enhancement of both 16th and K Streets, which have been designated special places within the District of Columbia. He noted that the particular features of the PUD at the ground floor, its entrances and outdoor activities that enliven the street scene, are the exact features that the Comprehensive Plan is designed to encourage. He stated that the proposed PUD creates an architecturally prominent building that accentuates the important vista of 16th Street in furtherance of the historic preservation element of the Plan.

52. Mr. Sher also discussed the housing linkage element of the proposed project as a fulfillment of the Housing Element of the Comprehensive Plan. He noted that the Zoning Regulations allow an applicant to contribute to the housing stock of the city through either new residential construction, rehabilitation of existing units or a financial contribution to an affordable housing provider. He stated that the amount of housing to be provided as a result of a proposed project is tied to the increase in square footage achieved through the PUD process. Based on the originally submitted plans, he stated that the matter of right office density at the subject site is 172,000 square feet of space, whereas the applicant proposes a total square footage of 185,000 square feet of space, resulting in a net gain of 13,000 square feet of office space. The gain increased to 28,215

when the amount of the SP zoning was increased in the final version of the plans. He further stated that the applicant proposes to work with the MHCDO, an off-site affordable housing provider, in fulfillment of the housing linkage requirements.

53. In his rebuttal testimony at the first hearing, Mr. Sher stated that the proposed PUD is consistent with the amendments to the Comprehensive Plan that were later adopted. He testified that the amendments specifically contemplate higher density offices and recommend that such development be reviewed through the PUD process to ensure appropriate design review. The proposed PUD complies with these provisions and involves a thirty foot wide strip of SP zoning and substantial setbacks in deference to 16th Street.

54. Ms. Mitten stated that the project is inconsistent with the Land Use and Historic Preservation Elements of the Comprehensive Plan because it would intrude upon the historic character of lower 16th Street, eliminate desirable green space through the introduction of a garage driveway, create a pedestrian traffic hazard at the sidewalk, and generally detract from the significant architectural and visual character of lower 16th Street. She also stated that the project was inconsistent with recently approved but not yet enacted amendments to the Comprehensive Plan, which redesignated the site in the medium-high density commercial land use category.

55. Mr. Foynes testified that the scale and height of rooflines along 16th Street will be compromised by the proposed PUD, and that the standards for lower 16th Street, as articulated in the L'Enfant Plan, the Comprehensive Plan, the Ward 2 Plan and the General Land Use Map, and amendments thereto, will be debased.

56. Mr. George Oberlander, recognized as an expert in urban planning by the Commission, testified on behalf of the Presidential Owners, Inc., in opposition to the application at the hearing on December 17, 1998. He stated that the relocation of the SP-2 boundary line is inappropriate and would circumvent the intent and purpose of zoning along 16th Street; that the increased height to 130 feet violates public policy contained in the Comprehensive Plan; that the proposed height and mass of the PUD would have an adverse shadow impact on the Sheraton Carlton Hotel, a National Register landmark; and that the project is inconsistent with recent amendments to the Comprehensive Plan redesignating the site in the medium-high density commercial land use category. In response to questions raised by the Commission, Mr. Oberlander stated that interpretation of what constituted "medium-high density" was a function of the Zoning Commission.

57. Based on the testimony of OP and the applicant's land use expert, the Zoning Commission finds that the PUD is not inconsistent with and further enhances the following policies and objectives of the Comprehensive Plan and the Ward 2 element of the Comprehensive Plan:

A. The site is located in the Central Employment Area under the Comprehensive Plan, which is characterized by high-density commercial structures. The Generalized Land Use Map of the Comprehensive Plan designates the property in the high-density commercial land use category with the 16th Street frontage in the mixed-use high-density residential/medium-high density commercial category. The site is also located along a portion of 16th Street which has been designated a Special Street and Special Treatment Area under the Comprehensive Plan.

B. Respecting and Improving the Physical Character of the District. The PUD process will ensure the development of an exceptional design that will significantly enhance the prominence of the 16th and K Street commercial area and improve the appearance of the vicinity as a whole. The renovation and addition will match the height and massing of surrounding buildings while at the same time introduce an innovative architectural treatment to the streetscape.

C. Housing. The applicant will provide for the construction of affordable housing by working with MHCDO to meet the needs of present and future District residents.

D. Urban Design and Historic Preservation. The proposed PUD will enhance the large-scale commercial quality of the 16th and K Street segment of the Central Employment Area through superior design elements that respect the special nature of the 16th Street Special Treatment Area. The proposed height and rooftop setbacks are appropriate in scale and will complement the cornice lines and heights of other buildings lining lower 16th Street and K Street. Further, the proposed height and setbacks do not detract from the 16th Street vista or the historic qualities of this street, which is a major element of the L'Enfant Plan.

58. The Commission also finds that the proposed PUD is consistent with the amendments to the Generalized Land Use Map, which redesignated only the 16th Street frontage of the site to the high-density residential/medium-high density commercial land use category, particularly in light of the rationale for the change stated by the Office of Planning. The change was intended to encourage the retention of existing housing and hotels and the proposed PUD does not displace any existing housing or hotels. The subject site has been an office building for forty years. Further, the setbacks from 16th Street and the thirty foot wide strip of SP zoning clearly demonstrate a sensitivity and deference to 16th Street.

COMPLIANCE WITH THE PUD STANDARDS

59. Mr. Sher also discussed the housing linkage element of the proposed project as a fulfillment of the objectives of the PUD regulations. He noted that the Zoning Regulations allow an applicant to contribute to the housing stock of the city through either new residential construction, rehabilitation of existing units or a financial contribution to an affordable housing provider. He stated that the amount of housing to

be provided as a result of a proposed project is tied to the increase in square footage achieved through the PUD process. Based on the originally submitted plans, he stated that the matter of right office density at the subject site is 172,000 square feet of space, whereas the applicant proposes a total square footage of 185,000 square feet of space, resulting in a net gain of 13,000 square feet of office space. The gain increased to 28,215 when the amount of the SP zoning was increased in the final version of the plans. He further stated that the applicant proposes to work with the MHCDO, an off-site affordable housing provider in fulfillment of the housing linkage requirements. He testified that, based on the formula established under the Zoning Regulations, the applicant must construct or rehabilitate housing in the amount of one-half of the net increase in square footage. The formula results in a requirement for 6,544 square feet of off-site housing. He testified that the applicant will be working with MHCDO to facilitate the construction of 7,500 square feet of new single-family dwellings at a cost of $100,000. These amounts were later increased to 10,500 square feet and $285,000 to reflect the increased requirement under the revised drawings.

60. Mr. Foynes stated that the proposed public benefits of the PUD were insufficient and greatly outweighed by the private benefits to owner, in contravention of the PUD regulations. Mr. Foynes argued that the PUD does not satisfy the housing linkage requirements because (1) it does not meet the minimum square footage requirement for housing linkage, (2) it does not provide adequate funds, and (3) it has not been approved by DHCD. Mr. Foynes suggested that the monetary commitment under the construction/ rehabilitation option should be the same as that under the construction option.

61. The Zoning Commission finds that the DHCD approved the linkage proposal by letter dated June 8, 2000.

62. The Commission finds that the proposed PUD is consistent with the requirements set forth in 11 DCMR Section 2400. Approval of the PUD will provide the significant public benefit of an exceptional urban design and landscaping that will complement the surrounding large-scale commercial buildings and enhance the special character of 16th Street.

63. The Commission finds that the project fulfills the housing objectives of the PUD process under subsections 2403.9(f) and 2404.6 of the Zoning Regulations. The Commission finds that the applicant's proposed contract construction agreement with MHCDO, which will allow for the construction of seven single-family affordable dwellings, is commensurate with the increase of approximately 28,215 square feet of gross floor area devoted to office use as a result of the PUD. In finding that the proposed arrangement is adequate, the Commission relies upon the conclusions of DHCD in its letter dated June 8, 2000, the testimony of the representatives of the MHCDO at the hearings on December 17, 1998, and June 8, 2000, the testimony of the Applicant's land use expert at the first hearing and the report of OP dated June 8, 2000. The Commission also finds that

the $100,000 contribution to Ross Elementary School in Ward 2 constitutes an important amenity that has special value to the neighborhood.

64. In approving the five percent increase in density provided in 11 DCMR 2405.3, the Commission finds that the increase is essential to the successful functioning of the project because it allows for an increase in the depth of the SP strip along 16th Street without impairing the economic viability of the project. Any further setback would impinge upon the existing core of the building that is being retained. Further, the project is consistent with the purpose and evaluation standards of the PUD regulations. The agreement to work with the MHCDO to produce affordable single-family houses and the project amenities are commensurate with the increase in density achieved by the PUD. Further, the project will meet the city's need for high-quality office space in the Central Employment Area and will enhance the special qualities of the 16th Street corridor through superior architectural design.

65. The Commission finds that the subject site is unique in a number of critical respects. It is located at the intersection of two of the widest streets in the District of Columbia, K Street, a principal commercial arterial in the Central Employment Area, and 16th Street. The site is improved with two economically and functionally obsolete office buildings, neither of which contain parking and both of which detract from the character and quality of the environment. Redevelopment of the site is further constrained by its limited size, only 20,111 square feet (less than half an acre) and an off-center elevator and mechanical core which precludes viable redevelopment of the C-4 portion of the site to its permitted height. The site is split-zoned with an unusually configured zoning boundary line that bears no relationship to the current improvements on the site. The depth of the zone boundary line for the southern part of the site is only forty-five feet back from the line of 16th Street. The size of the site and the location of the zone boundary line create floor plates in the C-4 and SP-2 portions, which are too small and irregularly shaped by themselves to be developable.

66. The applicant has proposed a design that addresses the dual identity of the site by including a ninety foot height along its 16th Street frontage. In addition, in order to respond to the site's 16th Street location and to respect its importance as a buffer between the C-4 and SP districts, the maximum building height on the C-4 zoned portion of the site is 125.5 feet, less than the maximum height permitted as a matter of right in the C-4 zone. Because of the unique features of the existing site and the applicant's willingness to forego the height that is permitted as of right in the C-4 zone portion of the site, a measure which further enhances the transitional nature of the design to create a more balanced buffer between the C-4 and SP-2 zones, this PUD and rezoning is highly unusual and not a precedent for the rezoning of other split-zoned property.

67. The Commission finds that the minor deviations requested with respect to penthouse setbacks, the size of the loading berth, and non-accessory retail uses and restrictions

against direct access from the street are necessary for the successful completion of the PUD project.

68. The Commission finds that the applicant has met its burden of proof. In order for the Commission to approve the PUD project, the applicant had to meet its burden of demonstrating the public benefits and other meritorious aspects of the proposal. Those benefits include the high level of architectural design, the provision of high quality office space in the Central Employment Area in close proximity to two Metrorail stations and bus routes, the enhancement of the historic and other special qualities of the 16th Street Special Treatment Area, landscaping, the provision of on-site parking, and increased revenues for the District.

IMPACT ON TRAFFIC

69. Mr. Slade evaluated the site in terms of potential traffic impacts created by the PUD, parking requirements, the location of the new garage entrance, and the design of the off-street loading facility. Mr. Slade testified that as a result of the redevelopment of the Solar Building, traffic to the site would increase by only thirty vehicles during the morning and evening peak hours, or an average of one vehicle every two minutes. He concluded that the additional traffic would have an insignificant impact on any of the intersections.

70. In response to a comparison between the safety virtues of circular drives versus garage ramps, the applicant's traffic expert testified that pedestrian safety would be better served by a garage ramp, which, unlike a circular drive, can accommodate several cars before blocking the sidewalk. With respect to potential traffic congestion created by cars turning across traffic into the garage, the applicant's expert stated that the double yellow line prohibited such turns under the D.C. Motor Vehicle regulations. Nevertheless, the applicant volunteered to place signs on its property restricting left turns out of the garage.

71. Dr. Carter stated that the traffic analysis prepared by the applicant's expert witness was inadequate because it ignored bus and pedestrian traffic which would contribute to the capacity analysis; did not acknowledge the proposed office development contemplated for the immediate vicinity; underestimated the number of trips generated; and did not conduct a proper demand analysis for parking and loading. He indicated that northbound traffic on 16th Street would become more congested by vehicles attempting to turn left into the parking garage. He also testified that pedestrian safety would be better served by garage access from the K Street service roadway. In response to questions raised by the Commission, Mr. Carter stated that it was his opinion that the traffic generated during the day by the Capitol Hilton Hotel, the Carlton Hotel and the University Club would be greater than what would be created by a general office building, such as the proposed PUD. He further stated that the amount of pedestrian traffic would be greater on K Street than on 16th Street.

73. The Commission also finds that, based on DPW's reports and the applicant's traffic expert, the proposed development will not have a significant adverse impact on the street system and other traffic conditions in the area. The existing alley system is unacceptable for a Class A building. The applicant's commitment to discourage tenants from making left turns across traffic into the garage and to exercise caution with respect to pedestrians through appropriate signage within the garage are adequate assurances against any potential pedestrian safety hazards. Further, the Commission credits the testimony of the applicant's traffic expert regarding the number of buses stopped along 16th Street at any one time and finds that cars turning into the Solar Building garage will not further exacerbate existing traffic congestion.

PARKING REQUIRED UNDER THE 1955 BZA APPROVAL

73. Ms. Mitten also questioned whether the PUD proposal was in compliance with the 1955 Board of Zoning Adjustment Order No. 4297, which authorized construction of the Solar Building and required a covenant on another site in the square to ensure the provision of off-site parking for the building in a garage on that site. She stated that, based on her research of the records, no such covenant was found.

74. In response to issues raised by the opposition regarding the 1955 BZA approval for the Solar Building, the applicant stated that it likewise could not find the required covenant but that this issue was rendered moot by the applicant's provision of on-site parking in conformance with the zoning requirements.

75. The Commission finds that the absence of parking is not relevant to the approval of the proposed PUD. Whatever the reason for the absence of the covenant on record, if the development of the PUD proceeds, there will be adequate on-site parking provided for the building.

"GREAT WEIGHT" FOR ANC 2B

76. The Commission makes the following findings in response to the issues raised by the ANC and other parties and persons in opposition:

A. The proposed design, density, massing, scale, fenestration and materials of the overall composition properly enhance the historic qualities, vistas and special character of the lower 16th Street corridor. The issue of visual impacts on 16th Street has been adequately addressed by appropriate setbacks at the 9th, 10th and rooftop levels, including a final increase in setbacks as shown at the further hearing on June 8, 2000, and the reduction in the overall building height to 125.5 feet. The building above the ninety foot level is set back farther than the setback permitted for penthouses (with height of eighteen feet, six inches) and only ten feet further to the east than the existing zoning line at K Street. The applicant also

has responded to the concern of the loss of SP zoning by increasing the proposed strip along 16th Street from twenty to thirty feet. The changes in the final set of drawings demonstrate the Applicant's extensive efforts to achieve consensus regarding the project.

B. The proposed reduction of the SP-2 zoned portion of the site will not compromise the policies and purposes of the SP District or the Special Treatment Area of 16th Street. The setbacks appropriately maintain the existing cornice lines and heights of the nearby 16th Street buildings.

C. The proposed garage entrance to the building from 16th Street is consistent with the numerous curb cuts and driveways that currently line lower 16th Street. As redesigned, the entrance has a residential appearance with a door height of only eight feet. Further, the proposed treatment of the interior of the garage and the use of glass to allow natural light into the garage entryway will address concerns about the appearance of the garage within the context of 16th Street. Limitations on use further minimize effects of the garage on the community and improve the existing condition.

D. The Commission finds that the garage ramp is most appropriately located along the 16th Street frontage of the building and therefore disagrees with the testimony of the project opponents. The opponents did not refute the testimony of the applicant's traffic expert indicating that the proposed location will affect fewer pedestrians than an access point on K Street, which generates three times as much foot traffic. The Commission also finds that, based on DPW's reports and the applicant's traffic expert, the existing alley system is unacceptable for a Class A building. The applicant's commitment to discourage tenants from making left turns across traffic into the garage and to exercise caution with respect to pedestrians through appropriate signage within the garage are adequate assurances against any potential pedestrian safety hazards. Further, the Commission credits the testimony of the applicant's traffic expert regarding the number of buses stopped along 16th Street at any one time and finds that cars turning into the Solar Building garage will not further exacerbate existing traffic congestion.

E. The Zoning Commission finds that the testimony of the applicant's expert architect and expert land use witnesses, and the testimony of the Office of Planning, which carries great weight, presented sound and credible evidence that the PUD will not a have a negative impact on the surrounding neighborhood from an architectural or urban planning perspective.

F. The Commission finds that the provision of forty-two self-park spaces complies with the requirements of the Zoning Regulations and will adequately serve the building. The provision of the building's loading dock will also meet the needs of the expanded area of the building and improve the loading conditions of the

existing building. The Commission finds that the requirement for a covenant for off-site parking is rendered moot by the applicant's proposal to provide a minimum of forty-two spaces in a below-grade garage.

G. The Commission finds that the proposed housing linkage arrangement satisfies the requirements of the Zoning Regulations and will result in the production of seven new single-family houses in a Housing Opportunity Area in Ward 7. The Commission adopts the reasoning and position of DHCD which finds compliance with Section 2404 of the Zoning Regulations. The Commission is not persuaded by the opposition testimony and correspondence suggesting that gap funding to facilitate the production of affordable housing is not permitted under the regulations and that the construction option must involve a monetary commitment equal to the amount that would be required under the contribution option. Through its agreement with MHCDO, the applicant will assume the risk that if the housing units are not constructed, the PUD will not receive a certificate of occupancy. The contribution option involves no such risk and accordingly, a greater financial commitment. Further, the Commission finds it unreasonable to suggest that under the construction option, an applicant must pay the full cost of construction. Under that interpretation, applicants would have a strong incentive to choose rehabilitation over new construction. Both should be encouraged.

H. The Zoning Commission finds the expert testimony of the applicant's traffic consultant and the report of the DPW to be persuasive with respect to 16th Street being the best location for garage access to the building.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits. 11 DCMR § 2400.1. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality or public benefits, and that it protects and advances the public health, safety, welfare, and convenience." 11 DCMR § 2400.2.

2. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the BZA.

3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned 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.

4. The proposed PUD meets the minimum area requirements of Section 2401.1 of the Zoning Regulations.

5. The PUD is within the applicable height and bulk standards of the Zoning Regulations, the increased height will not be obtrusive nor will it cause a significant adverse effect on any nearby properties and the project is a continuation of an appropriate use at an appropriate location in the heart of the Central Employment Area and within immediate proximity to mass transit and therefore should be approved. The impact of the project on the surrounding area is not unacceptable. As set forth in the findings of fact, the impact from traffic is favorable. The impact of the design on 16th Street has been mitigated by the materials used on the facade, the setbacks at the upper floors, the landscape treatment adjacent to the building and the revised treatment of the garage entrance. The impact on housing is favorable, because of the applicant's proposed housing linkage measures.

6. The proposed application can be approved with conditions which will ensure that the potential adverse effects on the surrounding area from the development will be mitigated.

7. The project benefits and amenities, particularly the quality of the design of the building, are a reasonable trade-off for the height and density provided in the application, particularly given the high density commercial nature of property in the immediate area. The subject development is both a K Street building and a 16th Street building, and the use, height, bulk and design are appropriate for both sides and both contexts of the building.

8. Approval of this PUD and map amendment application is appropriate because the proposed development is generally consistent with the present character of the area.

9. Approval of this PUD and change of zoning is not inconsistent with the Comprehensive Plan, including the designation of the site for high-density commercial use and the designation of the 16th Street frontage for mixed use high density residential/medium-high density commercial use.

10. The Commission is required under D.C. Code § 1-261(d) (1999), to give great weight to the affected ANC's recommendation. The Commission has carefully considered the ANC's recommendation (see FF 23 to 26) that the application be denied, but for the reasons set forth in finding of fact 76, does not find the ANC's recommendation persuasive. The Commission has addressed, through the conditions imposed in this order, the ANC's specific issues and concerns.

11. The approval of the application will promote the orderly development of the site 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.

12. The 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 contained in this order, the Zoning Commission for the District of Columbia orders **APPROVAL** of this application for consolidated review of a planned unit development and for a map amendment from SP-2 to C-4 for the property located at 1000-1010 16th Street, N.W., in Square 184, Lots 59 and 842. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The SP-2 District is retained for a depth of thirty feet along 16th Street with the remainder of the property included in the C-4 District.

2. The PUD shall be developed in accordance with the plans prepared by RTKL Associates, dated July 6, 2000, marked as Exhibit 118B in the record, as modified by the guidelines, conditions and standards herein.

3. The project shall be a commercial office development consisting of approximately 200,247 square feet of gross floor area. The PUD project shall not exceed 125.5 feet in height on the C-4 portion of the site or 90 feet in height on the SP-2 portion of the site, with setbacks as shown on the plans.

4. Landscaping shall be in accordance with the plans dated July 6, 2000, marked as Exhibit 118B in the record.

5. Retail signage on the 16th Street frontage of the building shall be limited to one sign not to exceed thirty square feet in area. A building identification sign also will be permitted. There shall be only one retail entrance along 16th Street in addition to the building entry.

6. The retail uses on the SP-2 zoned portion of the site will be restricted to the following: bank or financial institution, bar or cocktail lounge only as part of a restaurant, optician, jewelry store, restaurant (not including fast food), reproduction services (in basement only). In addition, the following amenities may be offered as part of a concierge service: drycleaning, shoeshine, flower stand and parcel delivery. For the purposes of this condition, a restaurant shall be a place of business where food, drinks or refreshments are prepared and sold primarily for consumption on the premises to customers seated at tables with wait service and without routine carryout service.

7. The garage entrance shall be located on 16th Street. A minimum of forty-two fixed parking spaces or seventy-six managed spaces shall be provided in the garage. The applicant will provide signage within the garage prohibiting northbound traffic on 16th Street from turning left out of the parking garage. There shall be no signage, permanent or movable, noting the garage except that a sign shall be permitted to direct restaurant patrons to the valet parking.

8. Any valet parking associated with the restaurant will be handled through the garage entry.

9. There shall be no use of public space along the entire 16th Street frontage for outdoor dining associated with any restaurant in the building.

10. Managed parking shall be provided in the building. The parking will be used for tenants and guests of the building only. The garage will be closed to uncontrolled public access from 9:00 P.M. until 6:00 A.M. during which time access will be limited by electronic control.

11. The applicant shall enter into a Contract Construction Agreement with MHCDO for the completion of seven single-family dwelling units at the Banneker Ridge project. No certificate of occupancy shall be issued for the PUD until the applicant and the MHCDO certify to the Zoning Administrator that the requisite housing outlined in the Contract Construction Agreement has been completed.

12. The applicant shall contribute $100,000 to the Ross Elementary School to assist in providing audio-visual equipment and other library resources. No certificate of occupancy shall be issued for the PUD until the applicant disperses these funds to the School.

13. The applicant shall enter into a Memorandum of Understanding with the D.C. Local Business Opportunity Commission in order to achieve, at a minimum, the goal of 35 percent participation by small, local and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance and security for the project to be created as a result of the PUD project.

14. The applicant shall abide by the terms of the First Source Employment Agreement with the Department of Employment Services (DOES) in order to achieve the goal of utilizing District of Columbia residents for at least 51 percent of the jobs created by the PUD project.

15. The applicant shall have flexibility with the design of the PUD in the following areas:

    A. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms,

provided that the variations do not change the exterior configuration of the building;

B. To vary the number and location of parking spaces, not to decrease below the minimum of forty-two spaces; and

C. To adjust the exact location of the retail entrance along 16th Street to accommodate tenant layout. The landscape plan may be adjusted to accommodate the entrance.

16. Given the unique nature of this property and the unique circumstances of this case, as described in the Findings of Fact, this case shall not serve as and may not be cited as a precedent for the rezoning to C-4 of any other property zoned SP-2 in the 16th Street corridor.

17. No building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, that is satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the applicant and all successors in title to construct on and use this property in accordance with this order or amendment thereof by the Zoning Commission.

18. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission.

19. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed for a building permit as specified in 11 DCMR 2409.1. Construction shall begin within three years of the effective date of this order.

20. Pursuant to D.C. Code Section 1-2531 (1991), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified at D.C. Code, Title 1, Chapter 25 (1991), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Regulations Division of DCRA to approve permits if the applicant fails to comply with any provision of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at its public meeting on September 11, 2000: by a vote of 3-1 (Herbert M. Franklin, Kwasi Holman to **approve**, John G. Parsons to **approve** by proxy; Anthony J. Hood to **deny**, Carol J. Mitten not voting, having recused herself)

The order was adopted by the Zoning Commission at its public meeting on October 16 2000, by a vote of 3-1 (Kwasi Holman, Herbert M. Franklin, to **adopt** John G. parsons to **adopt** by proxy, having attended all the hearings, Anthony J. Hood to **deny**, Carol J. Mitten not voting having recused herself.

In accordance with the provisions of 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register; that is, on NOV 2 4 2000

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING

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07/16/2001 11:13:50 AM
HENRY RILEY
RECORDER OF DEEDS
WASHINGTON D.C. RECORDER OF DEEDS
SURCHARGE $ 5.00
RECORDING $ 190.00

6

PUD COVENANT

THIS COVENANT, made as of this 10th day of July, 2001 by and between JBG/6006 LIMITED PARTNERSHIP a District of Columbia limited partnership (hereinafter referred to as "Developer") Bahman Teimourian, M.D., and the DISTRICT OF COLUMBIA, a municipal corporation (hereinafter referred to as the "District").

WITNESSETH:

WHEREAS, Bahman Teimourian, M.D., is the owner of Lot 59 in Square 184, as recorded in the Office of the Surveyor in Book 29 at Page 105; and

WHEREAS, Developer is the owner of Lot 842 in Square 184, as described in the records of the Office of the Surveyor in Book A&T, Page 3446K, (such property, together with the property at Lot 59, hereinafter referred to as the "Subject Site"); and

WHEREAS, Developer has entered into lease with Bahman Teimourian, M.D., to develop the property at Lot 59 in Square 184; and

WHEREAS, Developer intends to develop the Subject Site for use as a Planned Unit Development (hereinafter referred to as the the "Project") under Chapter 24 of the Zoning Regulations of the District of Columbia in accordance with Zoning Commission Order No. 906 issued November 24, 2000, in Zoning Case No. 98-14C; and

WHEREAS, said Chapter 24 further requires that Developer enter into this Covenant with the District of Columbia assuring Developer's (and its respective successors in title) development and operation of the Project as approved by the Zoning Commission of the District of Columbia (hereinafter referred to as the "Zoning Commission") in Order No. 906 and all modifications, alterations or amendments thereto.

NOW, THEREFORE, in consideration of the foregoing recitals, which are a material part hereof, it is agreed among the parties hereto as follows:

1. Approved Plans. The terms and conditions of the Zoning Commission's approval of the Planned Unit Development and Amendment to the Zoning Map under Order No. 906 issued November 24, 2000, in Zoning Case No. 98-14C (as the same may be amended and/or modified from time to time, the "Order"), are incorporated herein by reference and made a part hereof as Exhibit A and shall be considered a part of this Covenant. The Subject Site will be developed and used in accordance with the plans approved by said Order and in accordance with the conditions and restrictions contained

in said Order, subject to such changes thereto as the Zoning Commission and/or the Zoning Administrator of the District of Columbia may authorize. Developer covenants that it will use the Subject Site only in accordance with the terms of the Order, as the same may be further amended and/or modified from time to time, subject to the terms and conditions contained herein and the provisions of Chapter 24 of the Zoning Regulations.

2. Additional Time To Construct Planned Unit Development. If Developer should fail to file for a building permit and to commence construction of the approved Planned Unit Development within the time specified in Sections 2408.8 and 2408.9 of the Zoning Regulations and the Order, the Zoning Commission may duly consider an application for an extension of time for good cause shown.

3. Default. In the event that Developer fails to file for a building permit and to commence construction of the approved Planned Unit Development within the time specified in Sections 2408.8 and 2408.9 of the Zoning Regulations and the Order or within any extension of time granted by the Zoning Commission for good cause shown, the benefits granted by the Order shall terminate pursuant to Section 2408.11 of the Zoning Regulations.

4. Future Conveyance. Developer covenants that if any conveyance of all or any part of the Subject Site takes place before completion of the Planned Unit Development in accordance with the approvals of the Zoning Commission as aforesaid, such conveyance shall contain a specific covenant binding the grantee, its successors and assigns to develop and use the Subject Site in accordance with the terms and conditions of this Covenant.

5. Successors and Assigns. The covenants and restrictions contained herein shall be deemed real covenants running with the land, and shall bind the parties hereto, their successors and assigns, and shall inure to the benefit of the parties hereto, their successors and assigns. Such covenants are not binding upon any party who no longer has a property interest in the Subject Site. The District shall have the right to enforce all covenants, conditions and restrictions contained herein.

6. Recordation. Developer shall record this Covenant, as fully executed by the parties hereto, among the Land Records of the District of Columbia, and shall file a

certified copy of this Covenant with the Zoning Administrator and the Zoning Commission.

7. Counterparts. This Covenant may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

8. Rescission/Alteration of Chapter 24 Covenant. The covenants hereby created may not be extinguished without the prior written consent of the District. In the event any amendment, modification, rescission or alteration of the Order is adopted or authorized by the Zoning Commission, or in the event of a lapse of said Order by its terms, the District shall, upon the request of Developer, execute an instrument, in recordable form, evidencing such action or lapse, which instrument shall amend, modify, rescind, nullify or alter this Covenant, as the case may be.

IN WITNESS WHEREOF, JBG/6006 LIMITED PARTNERSHIP, a District of Columbia limited partnership, has, as of the day and year first above written, caused this Covenant to be signed by Brian P. Coulter, Senior Vice President and Assistant Secretary of its general partner and does hereby appoint the said Brian P. Coulter to be its attorney-in-fact, for it and in its name to acknowledge and deliver this Covenant according to law.

JBG/6006 LIMITED PARTNERSHIP, a
Maryland limited partnership

By: JBG Real Estate Associates III, Inc., a
District of Columbia corporation, its
General Partner

By: _____
Name: Brian P. Coulter
Title: Senior Vice President & Asst. Sec.

DISTRICT of COLUMBIA, ss:

I, JANICE D. PETERS a Notary Public in and for the District of Columbia, do hereby certify that BRIAN P. COULTER, Gen. Partner of the general partner of JBG/6006 Limited Partnership, a Maryland limited partnership, party to the foregoing Covenant bearing date as of the 10th day of July, 2001, the said BRIAN P. COULTER being named as attorney-in-fact for said limited partnership in

the foregoing and annexed Covenant, personally appeared before me and, being personally well known to me as such attorney-in-fact, acknowledged said Covenant to be the act and deed of said limited partnership and that he delivered the same as such.

GIVEN under my hand and seal this 7th day of FEBRUARY, 2001.

Janice D. Peters
Notary Public

My commission expires: Nov. 30, 2002

[Additional signature pages follow]

By: _____
Bahman Teimourian, M.D.

STATE OF MARYLAND
COUNTY OF MONTGOMERY

Personally appeared before me the undersigned authority in and for the said county and state, on this 5 day of February, 2001, within my jurisdiction, the within named **Bahman Teimourian, M.D.**, who acknowledged that he executed the above and foregoing instrument.

_____ (Notary Public)
My commission expires: 4.1.02

[Additional signature page follows]

IN WITNESS WHEREOF, the Mayor of the DISTRICT OF COLUMBIA, having first considered and approved the foregoing Covenant, has directed the execution thereof in the name of said DISTRICT OF COLUMBIA, by the Secretary, D.C., who has hereunto set her hand and affixed the seal of the District of Columbia hereto under authority of the Act of Congress entitled "An Act to Relieve the Commissioners of the District of Columbia of Certain Ministerial Duties," approved February 11, 1932.

WITNESS:

DISTRICT OF COLUMBIA,
a Municipal Corporation

_____

By: Beverly D. Rivers
Secretary, D.C.

(Corporate Seal)

DISTRICT OF COLUMBIA, ss:

I, Gladys Herring, a Notary Public in and for the District of Columbia, do hereby certify that Beverly D. Rivers, who is personally well known to me as the person named as Secretary of the DISTRICT OF COLUMBIA in the foregoing Covenant bearing date of the 10th day of July, 2001 and hereunto annexed, personally appeared before me in said District and, as Secretary of the DISTRICT OF COLUMBIA aforesaid, and by virtue of the authority in her vested, acknowledged the same to be the act and deed of the Mayor of the DISTRICT OF COLUMBIA.

GIVEN under my hand and seal this 10th day of July, 2001.

Gladys W. Herring
Notary Public, D.C.

My commission expires: June 30, 2004.

APPROVED:

Michael D. Fosbre
Zoning Division, Department of
Consumer and Regulatory Affairs

APPROVED AS TO LEGAL SUFFICIENCY:

Alan Bergstein
Assistant Corporation Counsel, D.C.

SUBDIVISION SQUARE 184

The undersigned certify that they are the owners in fee simple of the property to be subdivided and are in peaceful occupation thereof; that there are no pending suits or actions that affect title to the property; that parties to any deeds of trust have hereon indicated their consent and that there are no interests or claims affecting title to the property other than such deeds of trust. The undersigned hereby SUBDIVIDES ORIGINAL LOT 1 IN SQUARE 184, LOT 1 AND PART OF LOT 2 IN SQUARE 184 (BK.NK, PG.21-223), LOTS 58 AND THE REMAINDER OF LOT 21 IN SQUARE 184 (BK.26, PG.180), LOT 59 IN SQUARE 184 (BK.29,PG.108) AND STREET CLOSED (BK.11, PG.23) INTO ONE LOT AND SQUARE 184 AND REQUESTS THAT THIS SUBDIVISION BE RECORDED IN THE OFFICE OF THE SURVEYOR OF THE DISTRICT OF COLUMBIA.

WITNESSES

OWNERS
JBG/6006 LIMITED PARTNERSHIP
JBG REAL ESTATE ASSOCIATES III, INC., GENERAL PARTNER

BENJAMIN R. JACOBS, PRESIDENT

MICHAEL J. GLOSSERMAN, EXECUTIVE VICE PRESIDENT

BAHMAN TEIMOURIAN

Subscribed and sworn before me this 25th day of January, 2000

Notary public — My Commission Expires

NUMBER OF TRUSTS: 0

ASSENT BY TRUSTEES:

SURVEYOR'S OFFICE, D.C.
Made for WILKES, ARTIS, HEDRICK & LANE
Drawn by: BILL WASH. Checked by: FS
Record and computations by:
Recorded at 2:45 PM February 8, 2000
Entered in Book 193 Page 92 Sq. 6725
Scale 1 inch = 30 feet File No.

DEPARTMENT OF FINANCE AND REVENUE

2/2/ A.D. 2000

I certify that the following statements relating to this subdivision are correct.

1 Generally agrees with our records 2/2/2000 RB

2 Real estate taxes are paid to 3/31/2000 RB

3 There are no unpaid assessments 2/2/2000 RB

for Mary O-Shay-Davis for
Associate Director, Office of Real Property Tax

I acknowledge for the owners that this is not a tax certificate as intended by D.C. Code Section 47-408.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

February 3, A.D. 2000

I certify that this subdivision complies with the zoning regulations of the District of Columbia

Zoning: "C-4 and SP-2"

Zoning Administrator

OFFICE OF THE SURVEYOR

February 8, 2000

I certify that this plat is correct and is hereby recorded.

Surveyor

