

Appendix E

Total Future Levels of Service



1: Rhode Island Avenue NW & 17th Street NW

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↑↑			↑↑↑						↑↑↑↑	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0			4.0						4.0	
Lane Util. Factor		0.95			0.91						0.81	
Frpb, ped/bikes		0.89			1.00						0.96	
Flpb, ped/bikes		1.00			0.93						0.99	
Frt		0.95			1.00						0.98	
Flt Protected		1.00			0.99						1.00	
Satd. Flow (prot)		2707			4213						6298	
Flt Permitted		1.00			0.80						1.00	
Satd. Flow (perm)		2707			3405						6298	
Volume (vph)	0	124	58	302	832	0	0	0	0	47	775	130
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	135	63	328	904	0	0	0	0	51	842	141
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	27	0
Lane Group Flow (vph)	0	198	0	0	1232	0	0	0	0	0	1007	0
Confl. Peds. (#/hr)			247	247						130		150
Turn Type			Perm							Perm		
Protected Phases		4			8						6	
Permitted Phases				8						6		
Actuated Green, G (s)		42.1			42.1						49.9	
Effective Green, g (s)		42.1			42.1						49.9	
Actuated g/C Ratio		0.42			0.42						0.50	
Clearance Time (s)		4.0			4.0						4.0	
Vehicle Extension (s)		3.0			3.0						3.0	
Lane Grp Cap (vph)		1140			1434						3143	
v/s Ratio Prot		0.07										
v/s Ratio Perm					c0.36						0.16	
v/c Ratio		0.17			0.99dl						0.32	
Uniform Delay, d1		18.1			26.3						14.9	
Progression Factor		1.00			0.17						1.00	
Incremental Delay, d2		0.1			3.5						0.3	
Delay (s)		18.2			7.9						15.2	
Level of Service		B			A						B	
Approach Delay (s)		18.2			7.9			0.0			15.2	
Approach LOS		B			A			A			B	
Intersection Summary												
HCM Average Control Delay			11.8		HCM Level of Service				B			
HCM Volume to Capacity ratio			0.57									
Actuated Cycle Length (s)			100.0		Sum of lost time (s)				8.0			
Intersection Capacity Utilization			61.5%		ICU Level of Service				B			
Analysis Period (min)			15									
dl Defacto Left Lane. Recode with 1 though lane as a left lane.												
c Critical Lane Group												

1616 Rhode Island Ave
3: Rhode Island Avenue NW & Bataan Street NW

Total Future AM

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Volume (veh/h)	8	150	33	36	1096	44	7	1	5	16	23	34
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	9	163	36	39	1191	48	8	1	5	17	25	37
Pedestrians								143			94	
Lane Width (ft)								8.0			10.0	
Walking Speed (ft/s)								4.0			4.0	
Percent Blockage								8			7	
Right turn flare (veh)												
Median type								None			None	
Median storage (veh)												
Upstream signal (ft)		253			233							
pX, platoon unblocked	0.74						0.74	0.74		0.74	0.74	0.74
vC, conflicting volume	1333			342			866	1753	242	1492	1747	515
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	747			342			116	1315	242	963	1306	0
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	99			97			98	99	99	86	74	95
cM capacity (veh/h)	593			1131			384	97	704	123	98	750
Direction, Lane #	EB 1	EB 2	WB 1	WB 2	WB 3	NB 1	SB 1					
Volume Total	90	117	337	596	346	14	79					
Volume Left	9	0	39	0	0	8	17					
Volume Right	0	36	0	0	48	5	37					
cSH	593	1700	1131	1700	1700	364	178					
Volume to Capacity	0.01	0.07	0.03	0.35	0.20	0.04	0.45					
Queue Length 95th (ft)	1	0	3	0	0	3	52					
Control Delay (s)	1.2	0.0	1.3	0.0	0.0	15.3	40.6					
Lane LOS	A		A			C	E					
Approach Delay (s)	0.5		0.3			15.3	40.6					
Approach LOS						C	E					
Intersection Summary												
Average Delay			2.5									
Intersection Capacity Utilization			53.7%			ICU Level of Service			A			
Analysis Period (min)			15									

5: Massachusetts Avenue NW & Scott Circle NW

												
Movement	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations		↑↑↑									↑↑↑	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0									4.0	
Lane Util. Factor		0.91									0.91	
Fr _t		1.00									1.00	
Flt Protected		1.00									0.99	
Satd. Flow (prot)		5083									5043	
Flt Permitted		1.00									0.99	
Satd. Flow (perm)		5083									5043	
Volume (vph)	0	1148	4	0	0	0	0	0	0	241	1213	0
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	1248	4	0	0	0	0	0	0	262	1318	0
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	0	0	6	0
Lane Group Flow (vph)	0	1252	0	0	0	0	0	0	0	0	1574	0
Turn Type										Perm		
Protected Phases											8	
Permitted Phases		6								8		
Actuated Green, G (s)		53.2									38.8	
Effective Green, g (s)		53.2									38.8	
Actuated g/C Ratio		0.53									0.39	
Clearance Time (s)		4.0									4.0	
Vehicle Extension (s)		3.0									3.0	
Lane Grp Cap (vph)		2704									1957	
v/s Ratio Prot												
v/s Ratio Perm		0.25									0.31	
v/c Ratio		0.46									0.80	
Uniform Delay, d ₁		14.5									27.2	
Progression Factor		1.00									1.00	
Incremental Delay, d ₂		0.6									2.5	
Delay (s)		15.1									29.7	
Level of Service		B									C	
Approach Delay (s)		15.1			0.0			0.0			29.7	
Approach LOS		B			A			A			C	
Intersection Summary												
HCM Average Control Delay		23.3									C	
HCM Volume to Capacity ratio		0.61										
Actuated Cycle Length (s)		100.0								8.0		
Intersection Capacity Utilization		57.3%								B		
Analysis Period (min)		15										
c Critical Lane Group												

1616 Rhode Island Ave
6: Rhode Island Avenue NW & Scott Circle NW

Total Future AM

										
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBR	SEL	SER
Lane Configurations		  							  	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0							4.0	4.0
Lane Util. Factor		0.95							0.97	1.00
Frt		0.98							1.00	0.85
Flt Protected		1.00							0.95	1.00
Satd. Flow (prot)		3462							3433	1583
Flt Permitted		1.00							0.95	1.00
Satd. Flow (perm)		3462							3433	1583
Volume (vph)	0	172	29	0	0	0	0	0	1209	219
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	187	32	0	0	0	0	0	1314	238
RTOR Reduction (vph)	0	18	0	0	0	0	0	0	176	0
Lane Group Flow (vph)	0	201	0	0	0	0	0	0	1138	238
Turn Type										custom
Protected Phases		4								6
Permitted Phases									6	
Actuated Green, G (s)		10.1							81.9	81.9
Effective Green, g (s)		10.1							81.9	81.9
Actuated g/C Ratio		0.10							0.82	0.82
Clearance Time (s)		4.0							4.0	4.0
Vehicle Extension (s)		3.0							3.0	3.0
Lane Grp Cap (vph)		350							2812	1296
v/s Ratio Prot		c0.06								0.15
v/s Ratio Perm									c0.33	
v/c Ratio		0.57							0.40	0.18
Uniform Delay, d1		42.9							2.4	1.9
Progression Factor		0.85							6.09	0.77
Incremental Delay, d2		2.3							0.4	0.3
Delay (s)		38.8							15.3	1.8
Level of Service		D							B	A
Approach Delay (s)		38.8			0.0		0.0		13.2	
Approach LOS		D			A		A		B	
Intersection Summary										
HCM Average Control Delay		16.4		HCM Level of Service					B	
HCM Volume to Capacity ratio		0.42								
Actuated Cycle Length (s)		100.0		Sum of lost time (s)					8.0	
Intersection Capacity Utilization		46.8%		ICU Level of Service					A	
Analysis Period (min)		15								
c Critical Lane Group										

1: Rhode Island Avenue NW & 17th Street NW

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0			4.0			4.0			4.0	
Lane Util. Factor		0.95			0.91			0.91			0.91	
Frpb, ped/bikes		0.97			0.99			0.84			0.87	
Flpb, ped/bikes		1.00			0.98			0.98			0.99	
Frt		0.98			0.99			0.92			0.95	
Flt Protected		1.00			0.99			0.99			0.99	
Satd. Flow (prot)		3052			4383			3460			3691	
Flt Permitted		0.95			0.85			0.83			0.83	
Satd. Flow (perm)		2906			3728			2885			3064	
Volume (vph)	2	236	27	87	590	25	52	166	277	58	276	188
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	2	257	29	95	641	27	57	180	301	63	300	204
RTOR Reduction (vph)	0	0	0	0	0	0	0	121	0	0	29	0
Lane Group Flow (vph)	0	288	0	0	763	0	0	417	0	0	538	0
Confl. Peds. (#/hr)	184		136	136		184	318		146	146		318
Turn Type	Perm			Perm			Perm			Perm		
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)		41.7			41.7			50.3			50.3	
Effective Green, g (s)		41.7			41.7			50.3			50.3	
Actuated g/C Ratio		0.42			0.42			0.50			0.50	
Clearance Time (s)		4.0			4.0			4.0			4.0	
Vehicle Extension (s)		3.0			3.0			3.0			3.0	
Lane Grp Cap (vph)		1212			1555			1451			1541	
v/s Ratio Prot												
v/s Ratio Perm		0.10			0.20			0.14			0.18	
v/c Ratio		0.24			0.49			0.29			0.35	
Uniform Delay, d1		18.9			21.4			14.4			15.0	
Progression Factor		1.00			0.16			1.00			1.00	
Incremental Delay, d2		0.1			0.2			0.5			0.6	
Delay (s)		19.0			3.5			14.9			15.6	
Level of Service		B			A			B			B	
Approach Delay (s)		19.0			3.5			14.9			15.6	
Approach LOS		B			A			B			B	
Intersection Summary												
HCM Average Control Delay		11.6										
HCM Volume to Capacity ratio		0.41										
Actuated Cycle Length (s)		100.0							8.0			
Intersection Capacity Utilization		72.8%							C			
Analysis Period (min)		15										
c Critical Lane Group												

3: Rhode Island Avenue NW & Bataan Street NW

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Volume (veh/h)	9	649	7	6	625	9	31	12	40	71	8	30
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	10	705	8	7	679	10	34	13	43	77	9	33
Pedestrians								155			83	
Lane Width (ft)								8.0			8.0	
Walking Speed (ft/s)								4.0			4.0	
Percent Blockage								9			5	
Right turn flare (veh)												
Median type								None			None	
Median storage veh												
Upstream signal (ft)		266			233							
pX, platoon unblocked	0.86			0.98			0.87	0.87	0.98	0.87	0.87	0.86
vC, conflicting volume	772			868			1160	1669	512	1203	1668	314
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	421			844			813	1395	480	861	1393	0
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	99			99			81	88	91	49	92	96
cM capacity (veh/h)	935			717			176	107	481	153	107	894
Direction, Lane #	EB 1	EB 2	WB 1	WB 2	WB 3	NB 1	SB 1					
Volume Total	362	360	176	340	180	90	118					
Volume Left	10	0	7	0	0	34	77					
Volume Right	0	8	0	0	10	43	33					
cSH	935	1700	717	1700	1700	223	190					
Volume to Capacity	0.01	0.21	0.01	0.20	0.11	0.40	0.62					
Queue Length 95th (ft)	1	0	1	0	0	46	89					
Control Delay (s)	0.4	0.0	0.5	0.0	0.0	31.7	51.0					
Lane LOS	A		A			D	F					
Approach Delay (s)	0.2		0.1			31.7	51.0					
Approach LOS						D	F					
Intersection Summary												
Average Delay			5.6									
Intersection Capacity Utilization			45.7%			ICU Level of Service			A			
Analysis Period (min)			15									

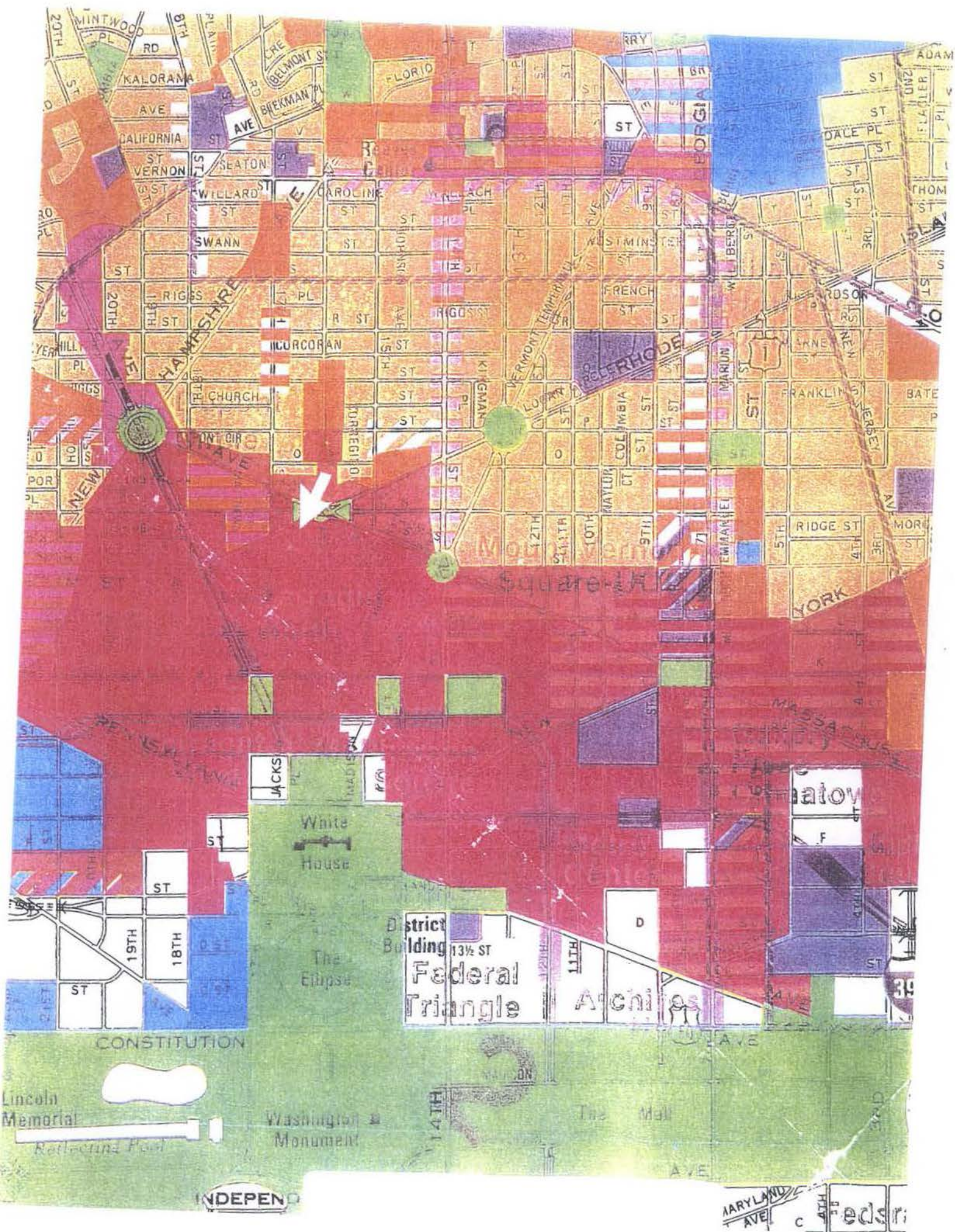
5: Massachusetts Avenue NW & Scott Circe NW

										
Movement	SBL	SBR	NWL	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations										
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0								4.0	
Lane Util. Factor	0.94								0.91	
Fr't	1.00								1.00	
Flt Protected	0.95								0.99	
Satd. Flow (prot)	4990								5026	
Flt Permitted	0.95								0.99	
Satd. Flow (perm)	4990								5026	
Volume (vph)	1163	0	0	0	0	0	0	185	602	0
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	1264	0	0	0	0	0	0	201	654	0
RTOR Reduction (vph)	0	0	0	0	0	0	0	0	4	0
Lane Group Flow (vph)	1264	0	0	0	0	0	0	0	851	0
Turn Type	Perm									
Protected Phases									8	
Permitted Phases	6							8		
Actuated Green, G (s)	71.5								20.5	
Effective Green, g (s)	71.5								20.5	
Actuated g/C Ratio	0.72								0.20	
Clearance Time (s)	4.0								4.0	
Vehicle Extension (s)	3.0								3.0	
Lane Grp Cap (vph)	3568								1030	
v/s Ratio Prot										
v/s Ratio Perm	c0.25								0.17	
v/c Ratio	0.35								0.83	
Uniform Delay, d1	5.4								38.0	
Progression Factor	1.00								1.00	
Incremental Delay, d2	0.3								5.5	
Delay (s)	5.7								43.6	
Level of Service	A								D	
Approach Delay (s)	5.7		0.0			0.0			43.6	
Approach LOS	A		A			A			D	
Intersection Summary										
HCM Average Control Delay			21.0		HCM Level of Service				C	
HCM Volume to Capacity ratio			0.46							
Actuated Cycle Length (s)			100.0		Sum of lost time (s)				8.0	
Intersection Capacity Utilization			44.2%		ICU Level of Service				A	
Analysis Period (min)			15							
c Critical Lane Group										

6: Rhode Island Avenue NW & Scott Circle NW

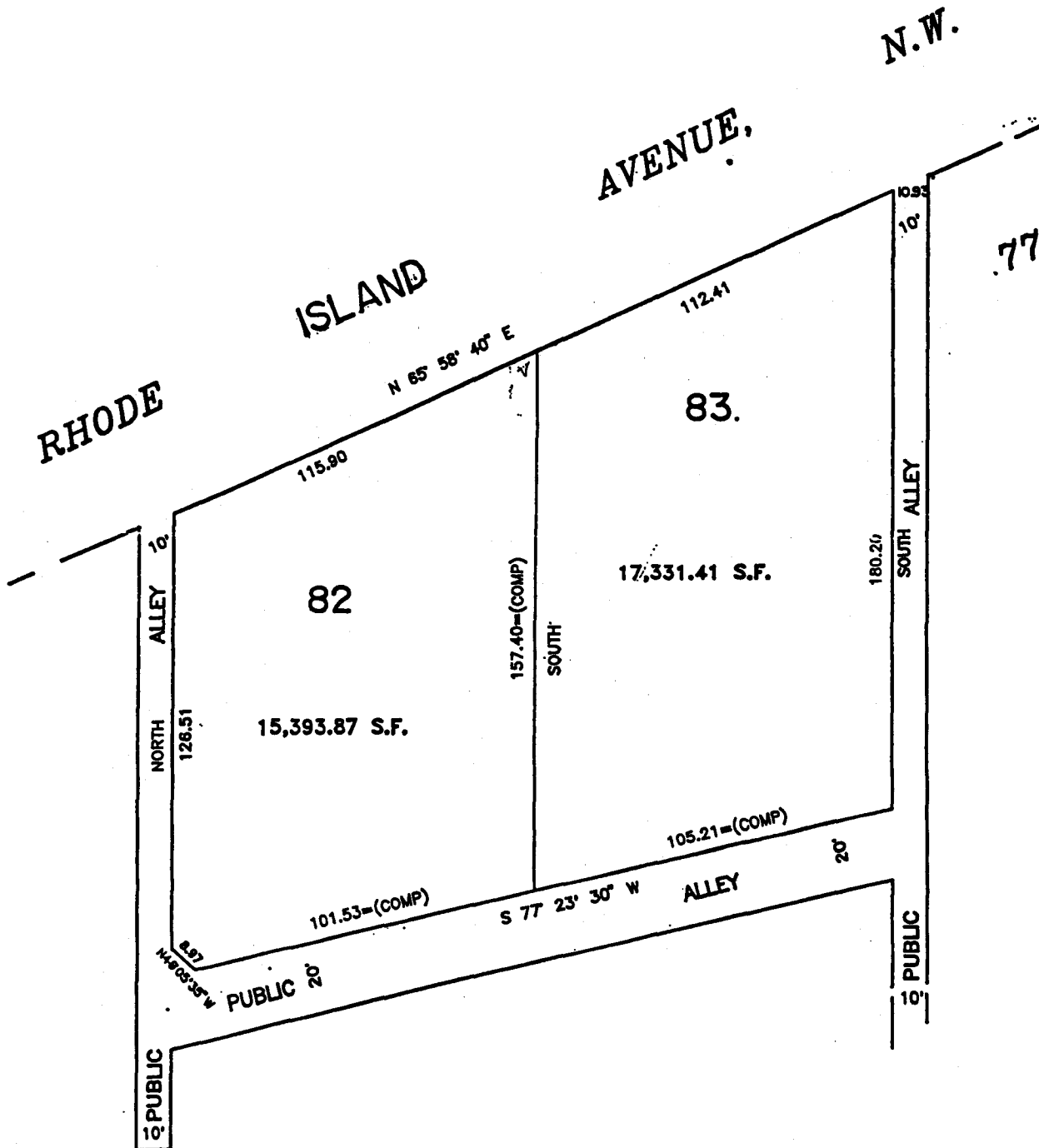
										
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBR	SEL	SER
Lane Configurations									 	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)		4.0							4.0	4.0
Lane Util. Factor		0.95							0.97	1.00
Frt		0.99							1.00	0.85
Flt Protected		1.00							0.95	1.00
Satd. Flow (prot)		3505							3433	1583
Flt Permitted		1.00							0.95	1.00
Satd. Flow (perm)		3505							3433	1583
Volume (vph)	0	792	55	0	0	0	0	0	1277	142
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	0	861	60	0	0	0	0	0	1388	154
RTOR Reduction (vph)	0	5	0	0	0	0	0	0	18	0
Lane Group Flow (vph)	0	916	0	0	0	0	0	0	1370	154
Turn Type									custom	
Protected Phases		4								6
Permitted Phases									6	
Actuated Green, G (s)		29.2							62.8	62.8
Effective Green, g (s)		29.2							62.8	62.8
Actuated g/C Ratio		0.29							0.63	0.63
Clearance Time (s)		4.0							4.0	4.0
Vehicle Extension (s)		3.0							3.0	3.0
Lane Grp Cap (vph)		1023							2156	994
v/s Ratio Prot		c0.26								0.10
v/s Ratio Perm									c0.40	
v/c Ratio		0.90							0.64	0.15
Uniform Delay, d1		33.9							11.5	7.7
Progression Factor		1.06							1.78	1.71
Incremental Delay, d2		10.1							1.3	0.3
Delay (s)		46.1							21.8	13.4
Level of Service		D							C	B
Approach Delay (s)		46.1			0.0		0.0		21.0	
Approach LOS		D			A		A		C	
Intersection Summary										
HCM Average Control Delay		30.4		HCM Level of Service					C	
HCM Volume to Capacity ratio		0.72								
Actuated Cycle Length (s)		100.0		Sum of lost time (s)					8.0	
Intersection Capacity Utilization		66.7%		ICU Level of Service					C	
Analysis Period (min)		15								
c Critical Lane Group										

D



E

SUBDIVISION SQUARE 182



SURVEYOR'S OFFICE, D.C.	
Made for:	YKA INC.
Drawn by:	BILL WASH.
Record and computations by:	<i>[Signature]</i>
Recorded at:	1:00 P.M. April 9, 1999
Recorded in Book:	192 Page 162 S.O. 4329
Scale:	1 inch = 30 feet
File No.	99-23

OFFICE OF THE SURVEYOR

April 9, 1999

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

[Signature]
Surveyor, D.C.

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D. C. ...03...17...1978

Plat for Building Permit of S.B.V.A.R.F. 192 LET 96

Scale: 1 inch = 30 feet Recorded in Book 183 page 64

Receipt No. 987

Furnished to WILLIAMS, PATRICIA H. DRISKELL

Surveyor, D. C.

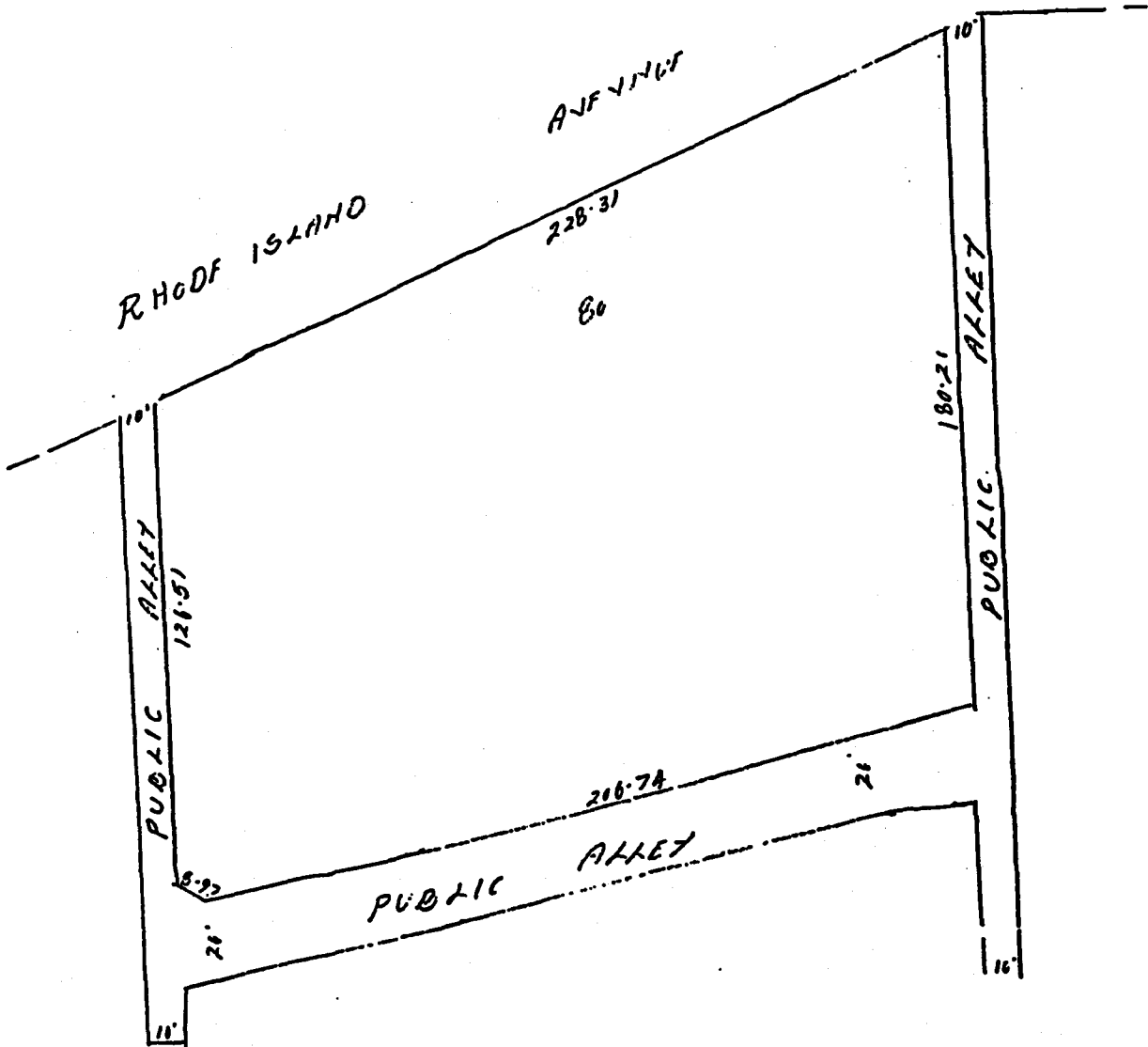
by D.M.C. D

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly plotted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and plotted and agree with plans accompanying the application; that the foundation plan as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be provided in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb or alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property).

Date

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



F

PUD History

Zoning Commission Order No. 638, dated December 15, 1989, approved a consolidated PUD and map amendment from SP-2 to C-4 at the subject property ("Original PUD"). The Original PUD permitted the construction of a mixed-use building containing residential, office and retail space to a maximum height of 106 feet and a FAR of 8.5. The residential component was arranged to occupy the top two floors of the building. The Original PUD permitted a commercial density of 6.86 FAR and a residential component of 1.64 FAR. The conditions of the previous PUD approval including amenities are discussed below. Zoning Commission Orders Numbered 638-A, 638-B, 638-C, 638-D and 638-E approved an interim use of the site, minor modifications and extensions of the Original PUD until March 9, 1999. A copy of Zoning Commission Order No. 638 is attached as Tab 1.

In Zoning Commission Order No. 638-F (871), the Commission approved the subdivision of the PUD site and authorized two discrete buildings. The eastern half of the site was approved to allow the University of California ("University") to construct a mixed-use building for office, academic and residential uses (on a portion of the site now known as Lot 83). The western half of the site (now known as Lot 82) was approved for the construction of a suites hotel. In totality, Zoning Commission Order No. 638-F (871), a copy of which is attached as Tab 2, approved a combined density for the two new PUD lots of 8.2 FAR, with 3.05 FAR allocated to residential uses and 5.15 FAR for office, academic and commercial hotel uses. The architectural plans approved by Order No. 638-F (871) are attached hereto as Tab 3.

The University purchased its one-half of the PUD property and constructed its project. It is currently occupied and used by the University for its Washington Center. The hotel developer, however, decided not to build the approved hotel on Lot 82 and did not purchase the property from the Partnership.

In 2000, the Human Rights Campaign ("HRC") and its affiliate, the Human Rights Campaign Foundation, entered into a contract to purchase Lot 82 from the Partnership. In February 2001, HRC filed an application to modify the portion of the PUD affecting Lot 82 so as to change the permitted use from hotel to office building and substitute a new design and plans for the proposed headquarters building of HRC. A public hearing was conducted by the Zoning Commission on July 12, 2001 regarding the HRC PUD modification application. After the public hearing, HRC decided not to pursue its proposed development. HRC subsequently informed the Zoning Commission that it was finalizing an offer from a hotel developer who would construct a hotel project that satisfied the requirements of ZC Order No. 638-F (871). In order to facilitate those negotiations, HRC requested a one year extension of Order No. 638-F.

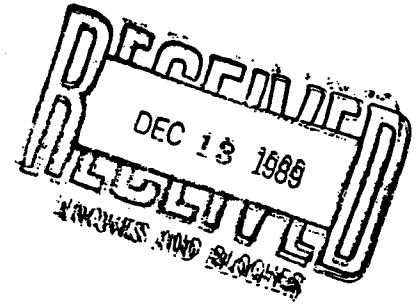
On September 17, 2001, the Zoning Commission considered HRC's extension and voted to grant the request and further tabled any action on HRC's request to modify the approved PUD. Zoning Commission Order No. 871-A was published in the D.C. Register on October 12, 2001, and extended the validity of the PUD approved ZC Order No. 638-F (871) until December 31, 2002. However, HRC's hotel developer/purchaser did not consummate the transaction and the property was retained by the Partnership.

On September 5, 2003, the Zoning Commission granted the Partnership's request for

an extension of time until April 14, 2005 to effectuate the hotel element of the PUD. A copy of Zoning Commission Order No. 02-51 (871-B) is attached as Tab 4.

On April 12, 2005, the Applicant simultaneously filed a motion to extend the PUD and an application to modify the PUD. The Zoning Commission held a hearing on both requests on December 1, 2005; it denied the requested modification, but granted an extension of the PUD and directed the Applicant to apply for a modification via a two-stage PUD, not later than June 1, 2006.

Government of the District of Columbia
ZONING COMMISSION



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

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

FINDINGS OF FACT

1. The original application, which was filed on October 24, 1988, requested consolidated review and approval of a PUD and related map amendment from SP-2 to C-4 for Lot 824 in Square 182. That application requested approval of a 13-story building consisting of 10 floors of office/retail use and 3 floors of residential use. The total floor area ratio (FAR) for the project was 10.5, of which 8.2 was devoted to office/retail use. The proposed height of the project was 130 feet.
2. The application was subsequently revised on March 30, 1989, in response to a suggestion of the Office of Planning (OP) to decrease the height and bulk of the project. The revised application called for a 10 story building consisting of 8 floors of office/retail use and 2 floors of residential use. The height of the project was reduced from 130 feet to 104 feet and the FAR reduced from 10.5 to 8.5.
3. The PUD site is located at 1616 Rhode Island Avenue, N.W., in an SP-2 zone district, contains a total land area of 32,645 square feet, and presently consists of a vacant hotel. The hotel was formerly known as the Gramercy Inn and built to a height of 90 feet and an FAR of 6.0.

4. The PUD site is located in Ward 2 in the northwest quadrant of the District of Columbia, near the intersection of Rhode Island Avenue, N.W. and Massachusetts Avenue, N.W., diagonally across from Scott Circle.
5. The SP-2 District permits matter-of-right medium density development including all kinds of residential uses, with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the BZA to a maximum height of sixty-five feet, a maximum floor area ratio (FAR) of 6.0 for residential and 3.5 for other permitted uses, and a maximum lot occupancy of eighty percent for residential uses.
6. The C-4 District is the downtown core, comprising the retail and office centers for both the District of Columbia and the metropolitan area, and allows office, retail, housing and mixed uses to a maximum height of 110 or 130 feet, a maximum lot occupancy of one hundred percent, and a maximum FAR of 8.5 or 10.0, with the maximum height and FAR dependant upon the width of adjoining streets.
7. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a first-stage PUD. The Commission may also impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified above for height, FAR, lot occupancy, parking, and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as a special exception and would otherwise require approval by the Board of Zoning Adjustment (BZA).
8. The District of Columbia generalized Land Use Element Map of the Comprehensive Plan for the National Capital includes the PUD site in an area included in the high density commercial land use category.
9. The area surrounding the PUD site contains a wide variety of land uses. Major office and retail development is located to the south of the site while moderate and high density residential development is located to the north. Adjacent to the PUD site on the east and west are office buildings which house the B'nai B'Rith International and the National Rifle Association, respectively. Both buildings are 90 feet in height with FARs of 6.0 and 7.6, respectively. To the south of the site is the Sumner-Magruder School office complex, built to a height of 100 feet.

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

10. The applicant, by written statements and by testimony presented at the public hearing, indicated that project will be of a single, 10-story above-grade structure. The building will consist of 277,900 square feet of gross floor area and a total FAR of 8.5, of which 6.9 FAR will be devoted to commercial uses. The total lot occupancy will not exceed 93 percent. The height will be revised to 106 feet, which would allow the ground floor retail uses to be at grade, in lieu of 2 feet below grade.
11. The residential component of the project, located on floors 9 and 10, will consist of 52 rental units, or no less than 48 rental units. The apartment lobby will be entered through a separate entrance, located at the corner of the site closest to 16th Street on Rhode Island Avenue, N.W. The commercial component, located on floors 1-8, will be entered at the center of the building along the Rhode Island Avenue frontage. The retail component of the project will be located on a portion of the ground floor.
12. The applicant, through its developer, indicated that the following amenities package would apply:
 - a. New Rental Housing Units Downtown

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

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

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

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

d. Urban Design

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

e. Revenue for the District

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

f. Employment Opportunities

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

g. Minority Business Opportunities

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

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

13. The applicant, through testimony, indicated that the economic feasibility of the project, through the use of pro forma documentation, is "very tight", especially when considering the risk involved in developing a "stacked" commercial/residential building downtown. He indicated that any reduction in the amount of commercial space would make the project less economically attractive than re-establishing a hotel use on the site.
14. The applicant, through its expert in architecture and planning, testified that the proposed project was in conformance with the high density commercial use designation of the site in the Comprehensive Plan Generalized Land Use Map and fostered the urban design elements of the Comprehensive Plan. He explained that the project will replace a vacant, deteriorating hotel with a high-quality, functionally efficient and attractively designed building.
15. The applicant testified that the project was in conformance with the applicable zoning regulations for the C-4 zone with respect to height, density, parking and lot occupancy. He indicated, however, that two minor deviations from the Zoning Regulations, regarding the rear yard requirement and the loading requirement, are requested by the applicant as part of the PUD approval.
16. He testified that due to the narrowness of the alley system surrounding the site, it would be impractical to provide a 55 foot loading berth in the building, as required by the Regulations for apartment buildings greater than 50 units. He indicated that since the project is designed to accommodate 52 apartments, it would technically be required to provide a 55' loading berth. This berth could be provided, but it would not be useable because of the constraints of the existing alley system. In lieu, therefore, the project provides an additional, useable 30-foot berth.
17. With regard to the rear yard issue, the applicant indicated that the project provides a 27 foot rear yard, 6 feet less than would be required based on the height of the building. He further indicated that the office component of the project requires an 18-foot rear yard, only a 1 foot differential from what is provided. The configuration of the apartment units, however, U-shaped around the recreational space, provided more light and air than would be provided by the strict application of the Regulations.
18. The applicant testified that the height of the project had been carefully examined so as to minimize any

potential impact on the surrounding properties. He explained that the ground level of the project is proposed to be two feet below grade. He indicated that the residential floors could not be lowered any more without creating apartments that would front office building windows a mere ten feet away. He believed that the building height has been reduced to its minimum. He also indicated that the residential floors have been set back, reducing the apparent height of buildings as seen from the street below.

19. The height of the penthouse, after a lengthy study, has been reduced to 16' 6", two feet less than a typical penthouse and is .17 FAR; less than half the size of a typical penthouse.
20. The applicant requested that flexibility be granted in the final design of the PUD project for the following:
 - a. The right to reallocate space between apartment units to provide less than 52 larger units, in response to market conditions;
 - b. The right to change the number and location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, location of elevators, electrical and mechanical rooms, so long as the variations do not change the exterior configuration of the building including the penthouse;
 - c. The right to make minor adjustments in the facade window detailing, including the flexibility to shift the location of the doors of the retail uses on the ground floor;
 - d. Flexibility in the final location and type of exterior lighting fixtures;
 - e. Flexibility in the final selection of the exterior materials within the color ranges and material types proposed, based on availability at the time of construction;
 - f. The right to change the number and location of the types of parking spaces provided and other modifications to the below-grade space to accommodate the needs of the apartment residents, retail users, office tenants and handicapped persons, including the deletion of one level of parking spaces as long as at least 177 parking spaces be provided on-site within the parking garage of the project; and

- g. The right to vary the amount of retail/office space provided in the project, depending on market conditions.
21. The applicant, through a representative of its traffic consultant, testified at the public hearing that the proposed PUD would not change the current levels of traffic service in the area. The testimony further concludes that the provision of a 55 foot loading berth within the project would be unwarranted. The report of the traffic consultant indicates that an additional 30-foot berth in lieu of the 55-foot berth would provide adequate service to the project.
22. The District of Columbia Office of Planning (OP), by memorandum dated May 15, 1989 and by testimony presented at the public hearing recommended approval of the application, subject to general agreement on the amenities package.
23. OP indicated that the proposed building is expected to have little adverse impact on the surrounding transition zone, particularly now that it has been scaled back from 130 feet in height to 104 feet. That height has been further mitigated by setting back the upper floors, continuing the visual sense of the adjacent 90 foot height with an important awning design element and minimizing the visibility of the penthouse with a major setback and reduction in size and with the selection of materials. The office use would be lower in height than the office use in the adjacent buildings. The project would bring an important transition use (residential) in its upper floors to the critical transition zone along Rhode Island Avenue.
24. OP further indicated that the most important amenity in this project is the proposed configuration of the mix of uses. The common wisdom in mixed-use development is that residential and commercial uses cannot be stacked successfully. This conclusion greatly reduced the flexibility in achieving mixed-use projects, particularly on small sites where there is not enough room for two buildings. If the proposed configuration does work, the lights will be on in the upper two floors long after the offices below have gone dark, providing a friendly presence or beacon, among office buildings. If it works well, it will provide an important new model for mixed-use development throughout the District of Columbia.
25. The District of Columbia Department of Public Works (DPW), by memorandum dated June 5, 1989, concluded or recommended the following:

- a. That the anticipated traffic generated by the PUD project would not adversely affect the surrounding transportation system;
 - b. That on-site parking accommodations are more than adequate;
 - c. That the applicant provide more information that justifies its need to provide a 30 foot loading berth, in lieu of the required 55 foot loading berth;
 - d. That the public alleys to the east and south of the PUD site be widened by five feet;
 - e. That the water supply service to the PUD site is adequate;
 - f. That the combined sewer stormwater service for the PUD site is adequate for sanitary waste but inadequate for stormwater runoff; and
 - g. That the PUD project will have to comply with Section 509 of District of Columbia Law 5-188, which establishes requirements and procedures to control stormwater runoff.
26. The District of Columbia Fire Department (DCFD), by memorandum dated May 5, 1989, objects to the proposal, as originally filed. The DCFD stated that a fire in a building such as proposed can adversely affect the emergency operations of the Fire Department. Factors to be considered are type of construction, type of fire, location of fire within, means for the spread of fire, occupancy/use, Fire Department access, and the most important factor, whether people have to be rescued.
27. The DCFD indicated that its review of the proposal for construction of a 130 foot mixed used building with all residential units above 90 feet in height as listed in the application appears to create major and undue hardships on the daily operations of the Fire Department. The overall height extension as proposed exceeds the rescue capability of Fire Department aerial ladder trucks (limited to 100 ft. at a 70 ft. climbing angle) currently assigned to protect Square 182.
28. The District of Columbia Department of Recreation (DOR), by memorandum dated May 8, 1989, expressed concern that the applicant's amenity to improve the grounds of U.S. Reservation No. 62 (Daniel Webster Park) was of minimal value to the city. DOR recommended, as a supplement to the applicant's

previous proffer, an open space/landscaping plan for the street-level area and, for the benefit of the apartment residents, a roof-top landscape plan that includes but is not limited to tree planters and seating areas.

29. The District of Columbia Metropolitan Police Department (MPD), by letter dated May 16, 1989, offered no objection to the application and indicated that the proposal will not generate an increase in the level of police services.
30. The District of Columbia Public Schools (DCPS), by memorandum dated May 16, 1989, expressed no opposition to the application and indicated that the residential component of the proposal would not be anticipated to adversely affect school enrollment.
31. Advisory Neighborhood Commission (ANC) 2B, by letter dated May 31, 1989, supported the proposal; subject to the following conditions:
 - a. At least one parking space shall be assigned to each apartment unit (48 units minimum);
 - b. No less than top two floors shall be devoted to bona fide, non-transient residential use;
 - c. All residential lease terms shall be for a minimum of 12 months;
 - d. No room service nor hotel-type services shall be provided to the residential occupants;
 - e. No apartment or room shall be leased on a time sharing basis, nor used as a hotel, motel, boarding house or private club, including fraternity or sorority facility;
 - f. No apartment or room shall be leased to any corporation, partnership, association, joint venture, government agency, trust, or estate, nor to anyone acting for or on behalf of such entity; and
 - g. The applicant shall provide funding or in-kind services for the following improvements at the Ross Elementary School:
 - (1) Attic Renovation;
 - (2) Basement Renovation;
 - (3) Window Replacement;
 - (4) Playground Resurface;

- (5) Fencing repair; and
- (6) Replacement of pipes.

- 32. The National Rifle Association (NRA), party in the proceedings, by letter dated May 11, 1989 and by testimony presented at the public hearing, opposed the application because of potential of the common public alley between the PUD site and the NRA being closed during construction of the PUD. NRA stated that the present alley has a significant volume of delivery traffic, garage traffic and short-cut traffic, and must remain open to prevent a hardship on the NRA and others that use the alley for deliveries, trash pick-up, and access to parking.
- 33. Testimony from persons in opposition to the proposal was received from the Dupont Circle Citizens Association and B'Nai B'rith. Issues of concerns included but not limited to the height of the proposal in excess of 90 feet, an FAR in excess of 7.0, and the potential inability to use the alley between the PUD site and B'nai B'rith during construction of the PUD.
- 34. The principal of Ross Elementary School, by letter dated May 30, 1989, submitted a list of major repair or improvement needs of the school with related cost estimates associated thereto.
- 35. The Zoning Commission concurs with the general position of OP, ANC-2B, and the applicants and believes that the PUD proposal is an appropriate development for the PUD site.
- 36. As to the concerns of ANC-2B, and others regarding parking, residential leasing, transiency, and the contribution to Ross Elementary School, the Commission believes it has adequately addressed the aforementioned in its decision.
- 37. The Commission concurs with the general position of DPW and the applicant, and finds that the PUD proposal would not adversely affect the surrounding transportation system, that the provided on-site parking is adequate, that the substitution of a 30 foot loading berth in lieu of the required 55 foot loading berth is reasonable and adequate, and that the widening of the existing adjacent alleys has been adequately addressed.
- 38. As to the concerns of DPW regarding stormwater runoff, the Commission believes that this concern would be addressed and resolved through the permit review process.

39. The Commission believes that the ground floor of the project should remain at grade level with a corresponding increase in the height of building of 2 feet. The Commission finds that this minor increase in height will not have an adverse impact on the surrounding neighborhood.
40. As to the concerns of DCFD regarding the fire protection of residential units above 90 feet, the Commission is mindful that the revised application reduced the PUD building height from 130 feet to 106 feet. The Commission finds that the residential floors of the project can adequately be protected from fire, pursuant to applicable regulations, including the use of sprinkler systems.
41. As to the concern of DOR regarding residential recreation space, the Commission believes that it has adequately addressed the matter in its decision.
42. As to the concerns of the NRA and others regarding the temporary closing of the alleys, and not structurally damaging neighboring properties, the Commission is mindful that it has no jurisdiction in these matters but believes that applicable procedures and regulations will be applied as is done in matter-of-right development.
43. As to the concern regarding security, the Commission finds that the security measures are no more adversely affected as a result of the PUD proposal than they would be affected by the existing building and the previous hotel use on the PUD site. The Commission, in fact, believes that the alley setback requirements that are included herein, may lessen the security concerns for neighboring owners of property.
44. The Commission finds that the applicants have met the intent and purpose of the Zoning Regulations and further finds that the proposal is suitable for the site, and that the design, height, density, and scale are compatible with the subject neighborhood.
45. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Governmental and Government Reorganization Act. The NCPC, by report dated September 7, 1989, indicated that the proposed action of the Zoning Commission would not adversely affect the Federal establishment or other Federal interests in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, because control of the use and site plan is essential to ensure compatibility with the neighborhood.
2. The development of this PUD carries out the purposes of Chapter 24 to encourage the development of well-planned residential, commercial and mixed-use developments which will offer a variety of building types with more attractive and efficient overall planned and design not achievable under matter-of-right development.
3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.
5. The approval of this application is consistent with the purposes of the Zoning Act.
6. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.
7. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.
8. The Zoning Commission has accorded to the Advisory Neighborhood Commission 2B the "great weight" consideration to which it is entitled.
9. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of this application for consolidated review of a Planned Unit Development ("PUD") and change of zoning for lot 824, in Square 182 located at 1616 Rhode Island Avenue, N.W. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The Planned Unit Development ("PUD") shall be developed in accordance with the plans prepared by the Weihe Partnership Architects marked as Exhibits No. 20B and 24 of the record as modified by the guidelines, conditions and standards of this Order.
2. The PUD site shall be developed with a mixed use structure which will contain a mixture of residential, retail and office uses.
3. The floor area ratio (FAR) of the building shall not exceed 8.5 of which a maximum of 6.86 FAR shall be devoted to office/retail use, and a minimum of 1.64 FAR shall be devoted to residential use.
4. The height of the building shall not exceed one hundred six (106) feet.
5. The total lot occupancy of the project shall not exceed ninety-three percent (93%) of the site.
6. The project shall be developed with not less than forty-eight (48) residential units on floors 9 and 10 of the project. The total number of residential units on the two floors shall not exceed fifty-two (52).
7. The applicant may combine space in the residential units of the development to create larger apartments in response to market conditions.
8. At least 9,000 square feet of floor area at the street level of the building shall be devoted to retail uses.
9. There shall be minimum of 125 on-site parking spaces for the commercial uses in addition to which there shall be not less than one assigned parking space for each residential unit, designated for use by the residential tenants. The applicant may provide additional parking in the vault space as shown on Exhibit No. 24 of the record.
10. Recreation space shall be provided on the 9th floor of the building as shown on Exhibit No. 24 of the record.
11. No hotel, motel, boarding house and private club uses or activity of any kind, either open or covert shall be conducted or permitted on floors 9 and 10 of the project, and no portion of these two floors shall be converted to any such use or activity.
12. All leases for the residential units shall be for a minimum of 12 months.

13. No residential unit shall be leased to any corporation, partnership, association, joint venture, government agency, trust, estate, or the like.
14. Loading areas, driveways, and walkways shall be located on the site, as shown on Exhibit No. 24 of the record.
15. Landscaping shall be provided as shown on Exhibit No. 24 of the record.
16. The applicant shall have flexibility with respect to the following matters:
 - a. Varying the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, location of elevators, and electrical and mechanical rooms, provided the variations do not change the exterior configuration of the building including the penthouse;
 - b. Making minor adjustments in the facade, window and balcony detailing, including the flexibility to shift the location of the doors to the retail uses on the ground floor and vary the type of paneling used on the retail frontage in order to accommodate the different types of retail uses, provided that the applicant shall submit the aforementioned to the Zoning Commission for final approval which the Commission may determine to grant without having a further public hearing.
 - c. Varying the location and type of exterior lighting fixtures.
 - d. Varying the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at time of construction, provided the applicant shall submit the aforementioned to the Zoning Commission for final approval which the Commission may determine to grant without having a further public hearing.
 - e. Varying the species but not the size of plant materials;
17. The Zoning Commission reserves the discretion to determine the proceedings by which it will consider any matter submitted to it pursuant to Paragraphs b and d of Condition No. 16 of this Order.
18. The applicant shall relinquish 2 1/2 feet setback at the right-of-way lines of the alleys to the east and west of the PUD site for a height of not less than

two (2) stories. Such setback areas shall be improved at the alley level to allow for unobstructed vehicular use for public purposes.

19. The applicant shall execute a binding agreement with the D.C. Board of Education or D.C. Public Schools, which provides that the applicant shall contribute a minimum of \$150,000.00 towards the renovation or repairs of the John W. Ross Elementary School.
20. The applicant shall enter into a Memorandum of Understanding with the Minority Business Opportunity Commission, which requires the applicants to make a bona fide effort toward at least thirty-five (35) percent of the construction related contracts for the project to certified minority business enterprises.
21. The applicant shall enter into a First Source Agreement with the Department of Employment Services ("DOES") which provides that the applicant will use DOES as its first source for the recruitment, referral and placement of employees in connection with the construction of the project.
22. The change of zoning from SP-2 to C-4 for lot 824 in square 182 shall be effective upon recordation of a PUD covenant, pursuant to 11 DCMR 2407.3
23. No building permit shall be issued for the site until the applicant has recorded a covenant in the land records of the District of Columbia between the owner and the District of Columbia satisfactory to the Office of Corporation Counsel and the Zoning Regulation Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construct on and use of the property in accordance with this Order and amendments thereto of the Zoning Commission.
24. The Zoning Secretariat shall not release the record of this case to the Zoning Regulations Division of the DCRA until the applicant has filed a certified copy of said covenant with the records of the Zoning Commission.
25. 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, application must be filed for a building permit as specified in Subsection 2407.1 DCMR Title 11. Construction shall start within three years of the effective date of this Order.
26. Pursuant to D.C. Code Sec. 1-2531 (1987), 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 2038, as amended, codified as D.C. Code, Title 1, Chapter 25, (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this Order shall be understood to require the Zoning Regulations Division/DCRA to approve permits, if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

Vote of Zoning Commission taken at the public meeting on July 10, 1989: 5-0 (Maybelle Taylor Bennett, Lloyd D. Smith, John G. Parsons, William L. Ensign and Lindsley Williams, to approve with conditions).

The guidelines, conditions and standards were approved by Zoning Commission at its public meeting on August 7, 1989.

This order was adopted by the Zoning Commission at the public meeting on November 13, 1989 by a vote of 4-0 (Lloyd D. Smith, William L. Ensign, Maybelle Taylor Bennett and John G. Parsons, to adopt as amended).

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


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat

ZONING COMMISSION

**ZONING COMMISSION ORDER NO. 638-F*****Case No. 98-12M****(Modification of Planned Unit Development
for 1616 Rhode Island Avenue, N.W.)****December 14, 1998**

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on December 3, 1998, to consider an application from Rhode Island Associates Limited Partnership for a modification to a previously approved Planned Unit Development ("PUD"), pursuant to Chapter 24 of the District of Columbia Zoning Regulations, Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. On March 6, 1998, the Rhode Island Associates Limited Partnership ("Applicant") filed an application for a modification to a PUD previously approved by Zoning Commission Order No. 638, pursuant to Zoning Commission Case No. 88-32C, as modified and extended by Zoning Commission Order Nos. 638-A, 638-B, 638-C, 638-D and 638-E, hereinafter "Original PUD."

The Original PUD permitted the construction of a single mixed-use building containing residential, office and retail space. The height of the building was approved to be 106 feet and the floor area ratio (FAR) was not to exceed 8.5, of which no more than 6.86 was to be devoted to commercial use and of which 1.64 FAR was to be devoted to residential use. The first eight floors of the building were for office use with ground floor retail and the top two floors for residential use with a maximum of fifty-six apartments. The PUD permitted 125 parking spaces for commercial uses and not less than one parking space for each apartment unit, with the total number of parking spaces on the site permitted to vary from 173 to 177.

The current zoning of the site, in conjunction with the Original PUD, is C-4. The C-4 Zone District is a high density commercial and mixed-use zone. The maximum height permitted is 130 feet, so long as the street abutting the site is at least 110 feet wide, the maximum bulk permitted is 10.0 FAR, and the maximum lot occupancy permitted is 100%.*

*Published in the D.C. Register on February 26, 1999 as Zoning Commission Order No. 871.

Under the PUD Regulations, the Zoning Commission has the authority to impose development conditions, guidelines and standards which may exceed, or may be less than, the matter of right standards identified above. The Zoning Commission may also approve uses that are permitted as special exceptions by the BZA or approve development variances that are required by the project design.

The present modification is requested in order to permit the redesign of the PUD to allow for two buildings instead of one. One building, on a separate lot, will be for the use of the University of California and will be predominately residential apartments for use by the University's Washington Center. It will also accommodate the Center's academic program with space for faculty and graduate student offices, administrative office/support, classrooms and the University's Office of Federal Government Relations. The University of California building will consist of eleven stories with approximately 147,305 square feet of gross floor area at a FAR of 8.5 on its lot of approximately 17,330 square feet. Approximately 99,750 of the total gross floor area will be for residential use. The apartments will occupy the 4th through 11th floors. The building will also have space for ancillary services typical of an apartment building and recreational space. The first three floors will accommodate the University's academic program and other needs. The building will have 44 parking spaces in an underground garage.

The second building, on its own lot, will be for use by Homestead Village, Inc. as an extended-stay inn. The Homestead Village building will consist of eleven stories with approximately 121,000 square feet of gross floor area, at a FAR of 7.9 on its own lot of approximately 15,396 square feet. This building, an inn, will be comprised of 220 units. Guest units will include living, sleeping, bathrooms and fully equipped kitchen areas. The guest rooms will occupy the second through eleventh floors. The first floor of the building will have ancillary services typical of an inn and an exterior garden of approximately 3,000 square feet. The penthouse will house, in addition to mechanical equipment, a self-service laundry and an exercise room for guests. The building will have 57 parking spaces below grade in an underground garage.

The modification decreases the total FAR of the project to 8.2, of which 5.15 FAR will be devoted to non-residential uses including academic/office/inn uses, and 3.05 FAR will be devoted to residential use. The modified bulk and massing of the project is consistent with the approval of the Original PUD. The height of building of neither of the buildings in the modified PUD will exceed 106 feet. The total lot occupancy of both buildings prior to subdivision in the modified PUD will be seventy-nine percent.

A representative of the University of California testified that it is a contract purchaser of a portion of the PUD site and it seeks to buy it in order to establish a permanent location for its Washington Center program which currently exists in leased facilities. The University representative indicated that its Board of Regents has approved the funding of the purchase and development of its portion of the property. The representative testified

that the estimated time for construction of the University building is eighteen months, tentatively scheduled to begin in August 1999.

A representative of Homestead Village, Inc. testified that it is a contract purchaser of the balance of the site. He stated that Homestead intends to build and operate an extended stay inn on the property, targeted at traveling business professionals, with a length of stay averaging between two and three weeks. He also indicated that Homestead Village's inns were unique in that units have kitchens, sleeping quarters and living areas. Further, the inn will have no restaurant or ancillary retail space. He testified that the estimated time for construction of the Homestead Village building is fourteen months, tentatively scheduled to begin in August 1999.

The project architect testified as an expert in architecture and site planning, on behalf of the Applicant, and stated that by providing for two buildings instead of one, the modified PUD will be more in scale with other buildings in the surrounding neighborhood. He also testified that the height of both buildings will be no higher than 106 feet and the total FAR will be reduced from the Original PUD from 8.5 to 8.2. The architect stated that both the eastern and western alleys adjacent to the property will be effectively widened by the plans and that two (loading) berths for each building would be provided. The architect testified that the University building and the Homestead building fit well together on this site. He stated that the uses proposed in the modification are appropriate for the site given its location as a transition area between the Downtown and DuPont Circle. He also opined that the modification is not inconsistent with the Comprehensive Plan and is consistent with the intent and purposes of the Zoning Regulations.

The Applicant's transportation consultant, recognized as an expert by the Commission, testified that the project will have no adverse transportation impact on the surrounding neighborhood. He also testified that the parking provided for both buildings is more than adequate. He stated that there is no need for a 55 foot loading berth in either building based on the proposed uses.

The Applicant presented as amenities and benefits in addition to those contained in Zoning Commission Order No. 638: (a) an increase in housing in the PUD from approximately 53,670 gross square feet in the Original PUD to approximately 99,750 gross square feet proposed in the modification; (b) a \$25,000 donation by Homestead Village, Inc. to the National Park Service for improvements to Dupont Circle Park; (c) a mentoring program to be established between the University of California and Ross Elementary School (or substitute school mutually acceptable to the University and ANC 2B if Ross is closed); (d) a \$10,000 donation from the Applicant to the Dupont Circle Citizens' Association for the completion of the Dupont Circle Resource Center; and (e) tax revenue for the District of Columbia in excess of \$1.5 million annually.

The Commission notes that three of the amenities and benefits required pursuant to

Zoning Commission Order No. 638, namely, (a) a \$150,000 donation to the District of Columbia Board of Education, (b) a First Source Agreement with the Department of Employment Services, and (c) a Memorandum of Understanding with the MBOC, have been performed by the Applicant.

The District of Columbia Office of Planning ("OP"), by memorandum dated November 23, 1998 and by testimony presented at the public hearing, recommended that the application be approved because the modification increases the residential component, decreases commercial uses, and reduces the overall density of the project from 8.5 to 8.2 FAR, all of which is consistent with the previously approved PUD and the Comprehensive Plan. Further, the application meets the requirements of the Zoning Regulations for the approval of a PUD modification.

The District of Columbia Department of Housing and Community Development, memorandum dated November 9, 1998, recommended that the application be approved because it is consistent with the purposes and intent of the Zoning Regulations and Map; it is not inconsistent with the Comprehensive Plan; it is consistent with the purposes of the originally approved PUD that it is modifying; it satisfies the requirements of the approval of a consolidated PUD; it provides significant public benefits; and it advances important goals and policies of the District of Columbia.

By action taken at the November 11, 1998 meeting, the Advisory Neighborhood Commission voted 6-1 in support of the application and submitted a letter indicating its support into the record. ANC-2B did not testify at the hearing.

There were no persons in support or in opposition to the proposal testifying at the hearing.

The Commission takes notice that the Original PUD expires on March 9, 1999 by which date the Applicant must file for a building permit and further that the Applicant shall start construction of the Original PUD before March 9, 2000.

The Commission concurs with the recommendation and position of the Office of Planning. The Commission finds that the proposed PUD modifications are appropriate and that the Applicant has satisfied the intent and purposes of Chapter 24 of 11 DCMR.

The proposed action of the Zoning Commission to approve the 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 report dated February 4, 1999, found that the modification to the proposed PUD would not adversely affect the federal establishment or other federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan. The NCPC noted that the plans exceeded the building height limits set by the Zoning Commission and that the

applicant had agreed to submit plans to the Zoning Commission that did not include space for human occupancy above the 106 foot height. The Applicant did not submit any additional plans to the Zoning Commission, as the record was closed at the time. The Commission finds that the original plans submitted contained a self-service laundry and an exercise room for guests in the roof penthouse. This space does not exceed any limits imposed by the Act of 1910, since the building and roof structure are below the 130 foot height permitted. Pursuant to Section 2405.7, the Zoning Commission can approve use of a roof structure below the limits of the Act of 1910 by exercising the authority otherwise conferred upon the Board of Zoning Adjustment by Section 411.11.

CONCLUSIONS OF LAW

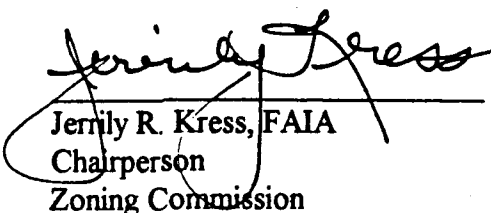
1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interest of the District of Columbia.
2. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned 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.
3. Approval of this PUD modification and change of zoning is not inconsistent with the Comprehensive Plan.
4. The proposed PUD meets the minimum area requirements of Section 2401.1 of the Zoning Regulations.
5. Approval of this PUD modification application is appropriate because the application is generally consistent with the present character of the area.
6. The Commission takes note of the position of Advisory Neighborhood Commission 2B, and in its decision has accorded to the ANC the "great weight" consideration to which it is entitled.
7. The approval of the modification 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.
8. The proposed modification application can be approved with conditions which will ensure that development will not have an adverse effect on the surrounding area.
9. The modification 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 modification to the Original PUD approved by Z.C. Orders Nos. 638 through 638-E, for property located in Square 182, Lot 80. Zoning Commission Orders Nos. 638 through 638-E are hereby amended as follows:

1. The Planned Unit Development (PUD) site shall be developed in accordance with the drawings prepared by Harman-Cox Architects and Esocoff and Associates Architects, dated October 3, 1998, marked as Exhibit 20, and as modified by the guidelines, conditions and standards as follows:
2. The project shall be a mixed-use project consisting of the construction of two separate buildings containing academic, office, residential and inn uses. The property may be subdivided into two lots of record.
3. The total FAR of the PUD (both buildings combined) will be 8.2, of which 5.15 FAR will be devoted to non-residential uses including academic/office/extended stay uses, and 3.05 FAR will be devoted to residential use. The University building shall have a total FAR not to exceed 8.5 and the inn shall have a total FAR not to exceed 7.9.
4. The maximum height building of either building shall not exceed 106 feet.
5. The lot occupancy of the project (both buildings) shall not exceed seventy-nine percent of the total site as it exists before subdivision.
6. The University building shall provide a minimum of 44 parking spaces, and the inn shall provide a minimum of 57 parking spaces.
7. Landscaping shall be provided as shown on the plans marked as Exhibit No. 20 of the record. The yards, courts, driveways and loading berths of the PUD shall be as shown on the plans marked as Exhibit No. 20 of the record.
8. The University building shall be set back from its east property line by five feet (to a height of fourteen feet) in order to effectively widen the public alley from ten to fifteen feet; additionally, the inn shall be set back from its western property line by eleven feet (to a height of fourteen feet) thus increasing the effective width of the alley to twenty-one feet.

9. In addition to the requirements of Zoning Commission Order No. 638 which have been performed by the Applicant, namely, a \$150,000 donation to the District of Columbia Board of Education, the First Source Agreement executed with the Department of Employment Services and the Memorandum of Understanding executed with MBOC, the following additional benefits shall be provided:
 - (a) the Applicant shall make a \$10,000 donation to the Dupont Circle Citizens Association for the completion of the Dupont Circle Resource Center prior to the first to occur of (1) the issuance of a building permit for the inn or (2) the issuance of a building permit for the University building;
 - (b) prior to the issuance of a building permit for the inn, a \$25,000 donation shall be made by Homestead Villages, Inc. to the National Park Service for improvements to Dupont Circle Park.; notwithstanding paragraph 9(c) below, this obligation encumbers only the portion of the property designated for inn use; and
 - (c) prior to the issuance of a Certificate of Occupancy to the University, a mentoring program between the University of California and Ross Elementary School shall be established. Ross Elementary School may be substituted with another school mutually acceptable to the University and ANC 2B, if Ross is closed; notwithstanding Paragraph 9(b) above, this obligation encumbers only the portion of the property designed for University use.
10. The Applicant shall have the necessary flexibility to make adjustments to the project with respect to the location and design of all interior components, including partitions, slabs, doors, hallway columns, stairways, location of elevators, electrical and mechanical rooms, provided that the variations do not change the exterior configuration of the building, and to vary the location and types of parking spaces provided and other modifications to the below grade space to accommodate the needs of the Applicant and handicapped persons and required structural and mechanical building elements.
11. If both contract purchasers fail to consummate the purchase of their respective portions of this property, and the Applicant does not effectuate the terms and conditions of the Original PUD or otherwise achieve amendments thereto from the Zoning Commission, the zoning of the property shall revert to the SP-2 Zone District. If one, but not the other, of the contract purchasers does not consummate the purchase of its respective portion of the property, the Applicant shall file a PUD modification request, for the portion of the property remaining in Applicant's ownership, within 120 days of the date of the termination of the contract purchaser's right to purchase. The requirement to file the further PUD modification required by this Paragraph 11 shall not affect the portion of the property no longer owned by the Applicant. Such further PUD modification application shall include all the requirements of the Zoning Regulations for modifications to a PUD and a specific plan and timetable for Applicant's completion of said further PUD modification.



Jerry R. Kress, FAIA
Chairperson
Zoning Commission



Sheri Pruitt-Williams
Acting Director
Office of Zoning

ZCO638-F/SPW

1616 RHODE ISLAND AVENUE

APPLICATION TO
THE DISTRICT OF COLUMBIA ZONING COMMISSION
FOR
MODIFICATION TO AN APPROVED
PLANNED UNIT DEVELOPMENT

OCTOBER 3, 1998

THE CHARLES E. SMITH COMPANIES

THE UNIVERSITY OF CALIFORNIA
WASHINGTON CENTER

THE HOMESTEAD VILLAGE INC.
EXTENDED STAY INN

A1.0

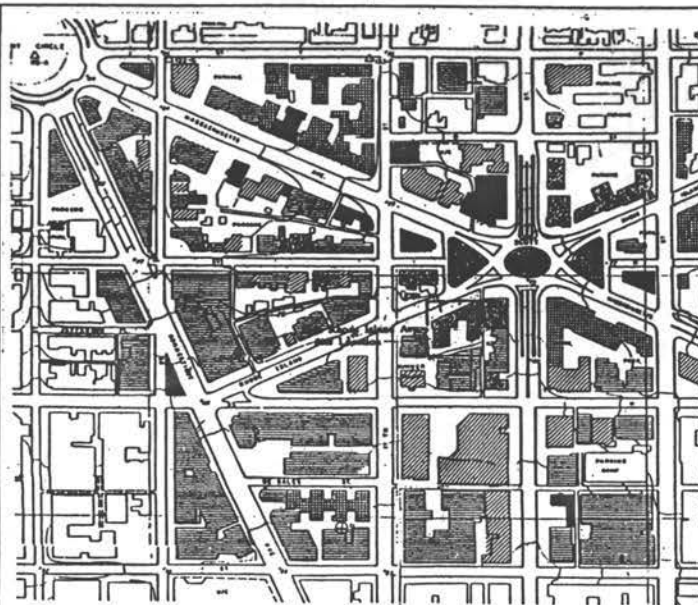
TITLE SHEET

DATE: OCTOBER 1, 1998

1616 RHODE ISLAND AVENUE

APPROVED FOR THE DISTRICT OF COLUMBIA ZONING COMMISSION
BY THE DISTRICT OF COLUMBIA ZONING COMMISSION
ON OCTOBER 1, 1998
FOR THE DISTRICT OF COLUMBIA ZONING COMMISSION
BY THE DISTRICT OF COLUMBIA ZONING COMMISSION
ON OCTOBER 1, 1998

APPROVED FOR THE DISTRICT OF COLUMBIA ZONING COMMISSION
BY THE DISTRICT OF COLUMBIA ZONING COMMISSION
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FOR THE DISTRICT OF COLUMBIA ZONING COMMISSION
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ON OCTOBER 1, 1998

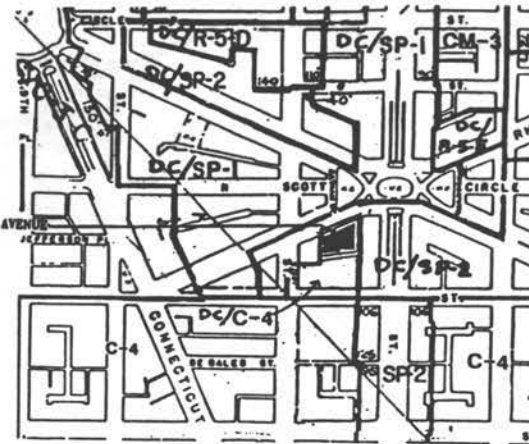


LEGEND

	Church		Office/Retail
	Institutional/Religious		Hotel
	Residential		Open Space

PROPOSED LAND USE MAP

SITE LOCATION
1616 RHODE ISLAND AVENUE



ZONING PLAN

DEVELOPMENT DATA

Site Area (Acre) (A)	FUD Site Provided (B)	Allowable by Zoning (C)	Required by Zoning (D)	FUD Guideline (E)
Green Room Area				
Homestead Village	121,800			
University of California	147,300			
TOTAL GREEN ROOM AREA	269,100	274,175		
Blue Area Ratio				
Homestead Village	7.25			
University of California	6.50			
TOTAL BLUE	6.38	6.00		6.25
Lot Coverage Area				
Homestead Village	27,175			
University of California	27,175			
TOTAL LOT COVERAGE	54,350	54,350		
Building				
Homestead Village	57			50
University of California	40			40
TOTAL BUILDING	97	90		90
Loading				
Homestead Village	1-20' + 1-20'	1-20' + 1-20' + 1-20'		
University of California	1-20' + 1-20'	1-20' + 1-20' + 1-20'		
TOTAL LOADING	1-20' + 1-20'	1-20' + 1-20' + 1-20'		
Height				
Homestead Village	100 ft.	120 ft.		100 ft.
University of California	100 ft.			
Unit Type				
Apartment	77-87			
Hotel	300			
Residential Space				
Homestead Village	1,500			1,500
University of California				

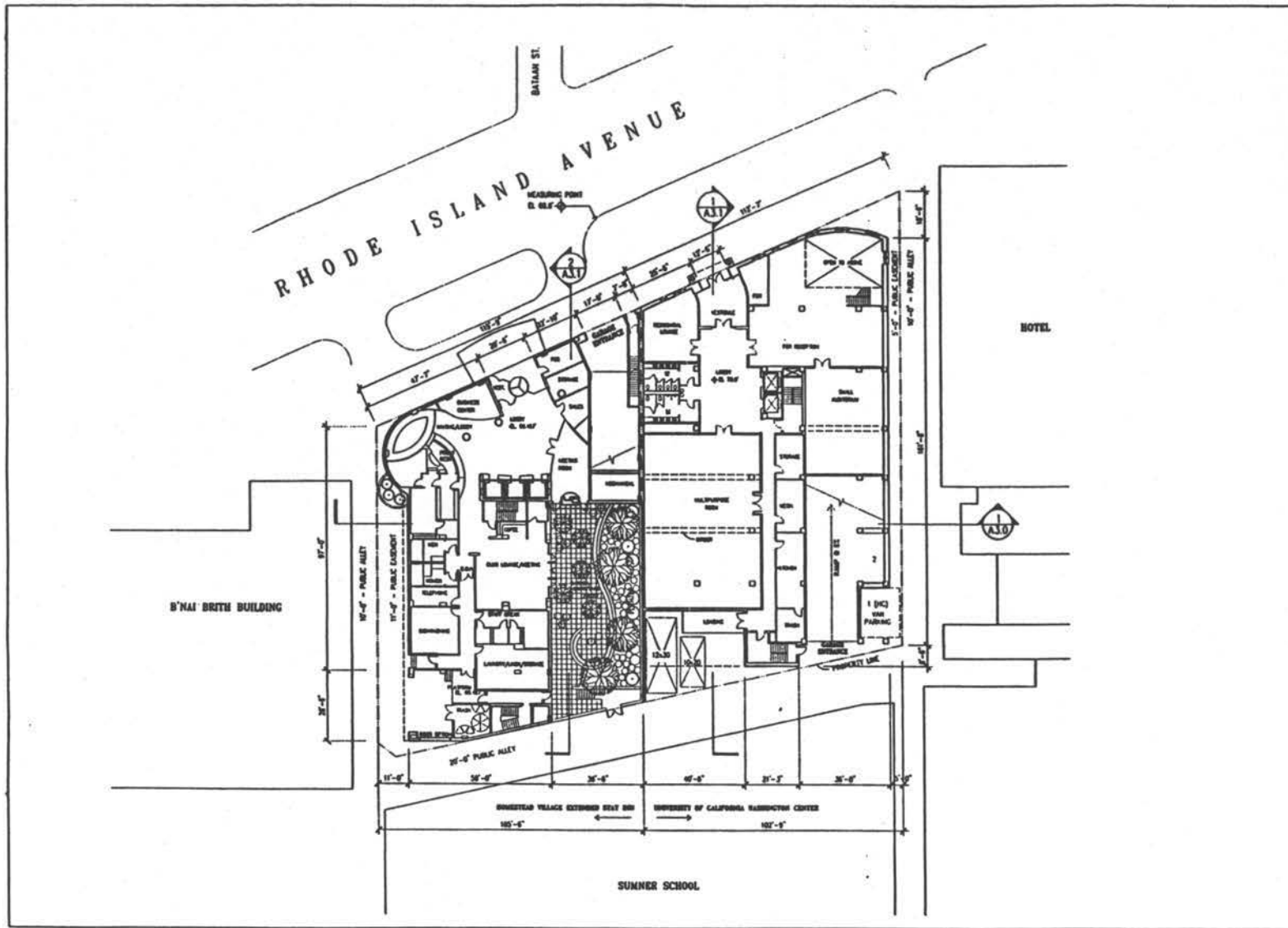
DRAWING INDEX

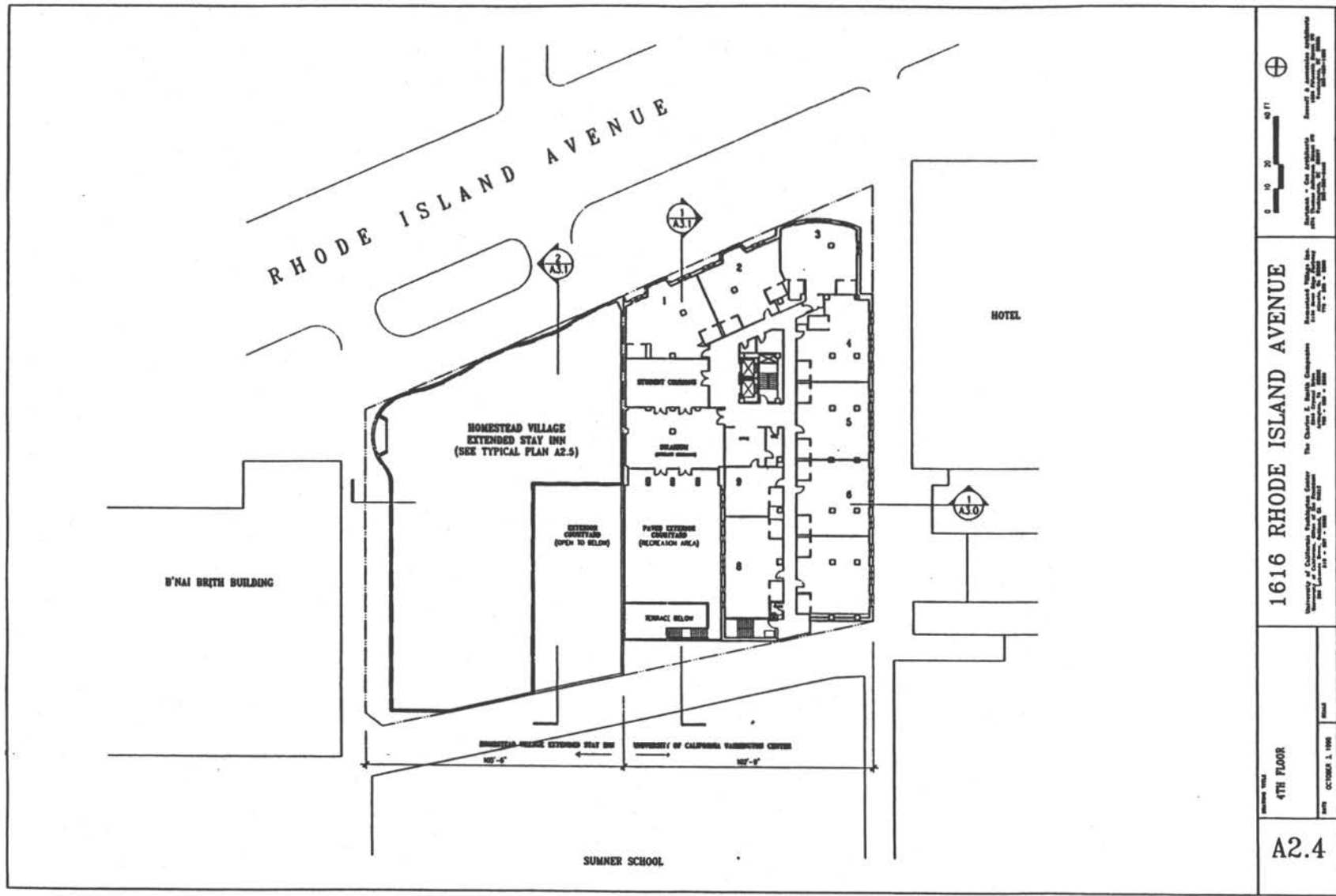
- A1.0 TITLE SHEET
- A1.1 LAND USE MAP, ZONING PLAN, DEVELOPMENT DATA & DRAWING INDEX
- A1.2 LANDSCAPING & GRADING PLAN
- A1.3 CIRCULATION & GRADING PLAN
- A2.0 P1 & P2 - PARKING PLANS
- A2.1 GROUND FLOOR PLAN
- A2.2 SECOND FLOOR PLAN
- A2.3 THIRD FLOOR PLAN
- A2.4 FOURTH FLOOR PLAN
- A2.5 TYPICAL FLOOR, FIFTH - NINTH FLOORS
- A2.6 TENTH - ELEVENTH FLOORS
- A2.7 ROOF PLAN
- A3.0 BUILDING SECTION & SOUTH ELEVATION
- A3.1 BUILDING SECTION
- A3.2 RHODE ISLAND AVENUE ELEVATION - NORTH ELEVATION
- A3.3 EAST ELEVATION & WEST ELEVATION
- A3.4 ELEVATIONS OF THE SQUARE
- C1.0 EXISTING CONDITIONS CIVIL PLAN

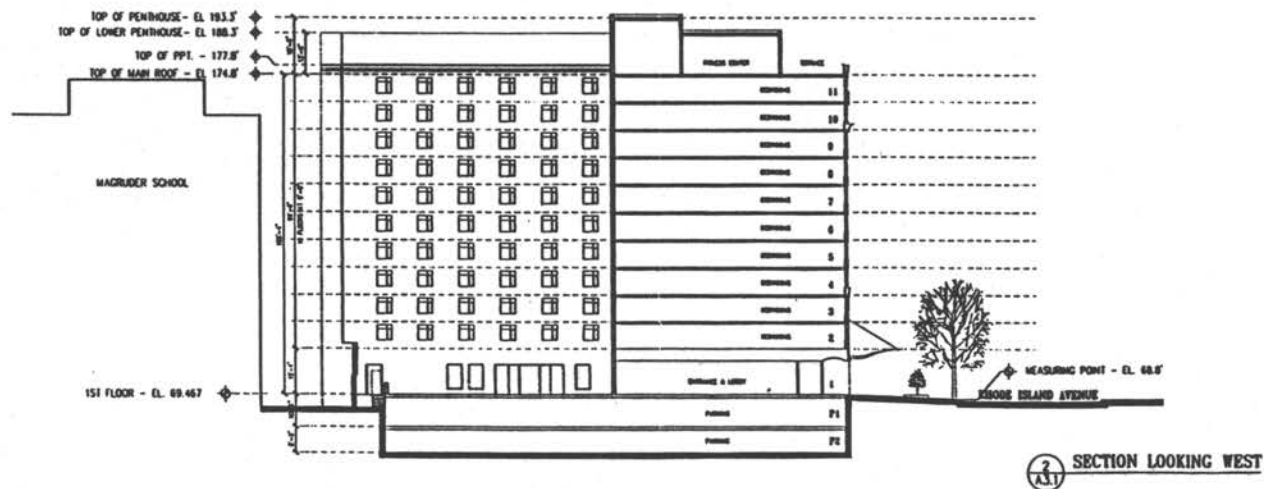
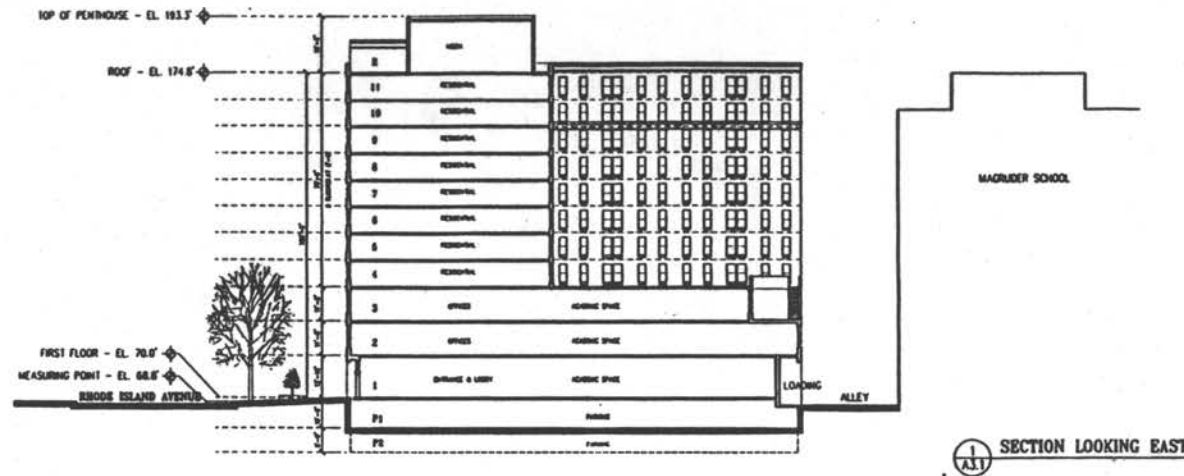
1616 RHODE ISLAND AVENUE

LAND USE MAP, ZONING PLAN, DEVELOPMENT DATA & DRAWING INDEX

A1.1







1616 RHODE ISLAND AVENUE

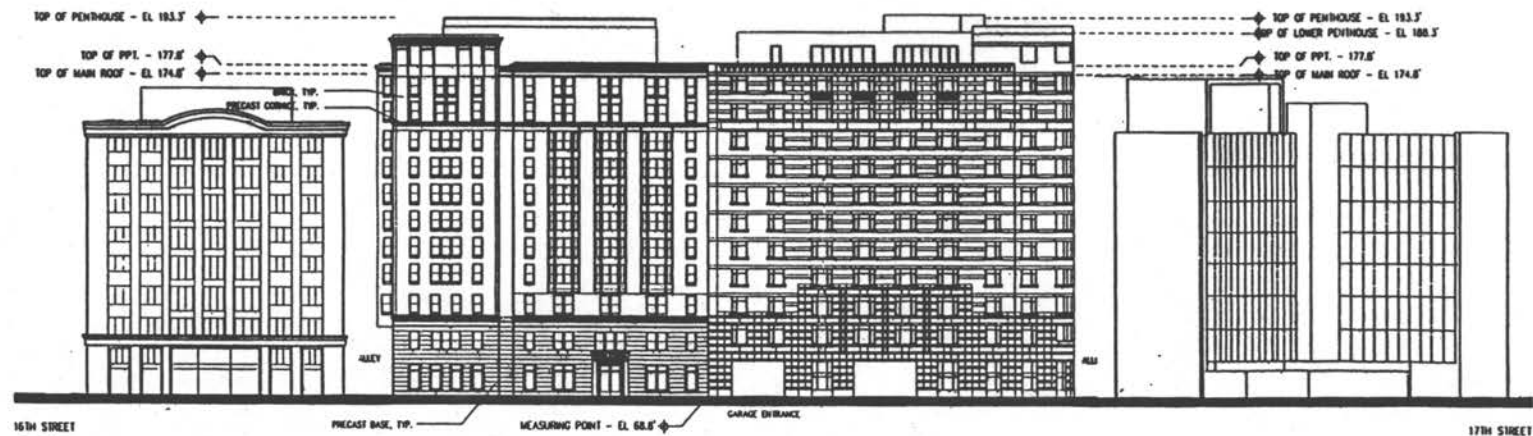
BUILDING SECTIONS

A3.1

DATE OCTOBER 1, 1988

1/8" = 1'-0"

Prepared by: The Charles E. Smith Construction Company, Inc.
 Checked by: The Charles E. Smith Construction Company, Inc.
 Drawn by: The Charles E. Smith Construction Company, Inc.
 Date: 10/1/88



Group	Percentage
Highway - Gas Ambassadors	10%
Specialty & Specialty Ambassadors	35%

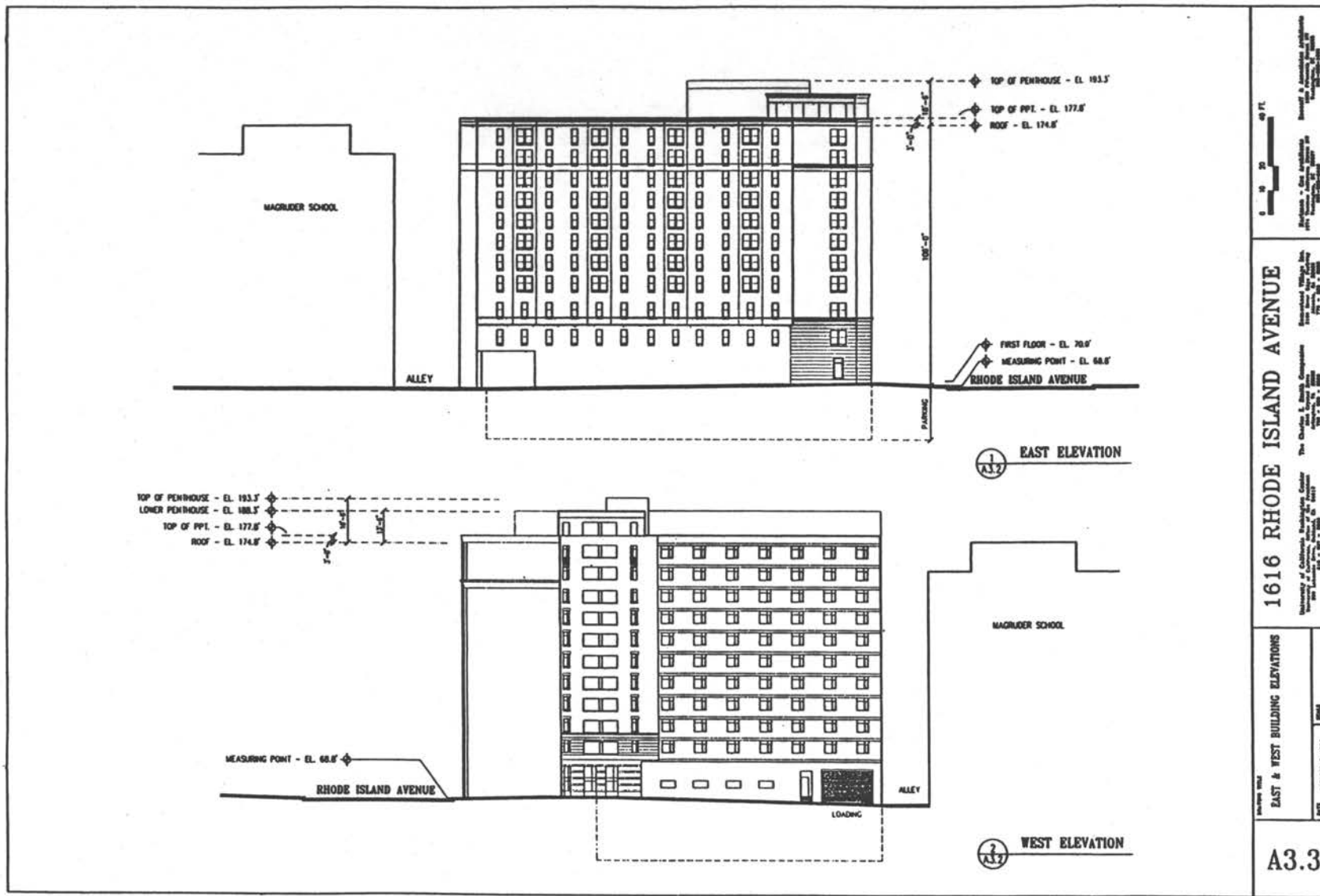
Highway - Gas Ambassadors
1914 Bureau Ambassadors, Bureau for
Ambassadors, Bureau for
Ambassadors, Bureau for

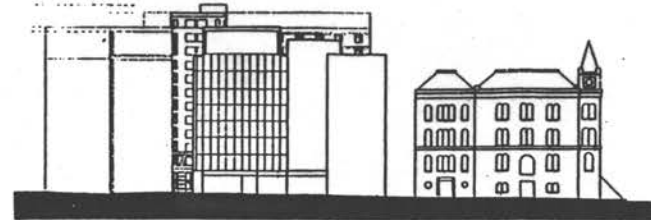
Specialty & Specialty Ambassadors
1914 Bureau Ambassadors, Bureau for
Ambassadors, Bureau for
Ambassadors, Bureau for

1616 RHODE ISLAND AVENUE
 University of California, Berkeley Center for the Study of the History of Mathematics and Mathematics Education, Berkeley, CA 94720
 The Charles & Johanna Corporation, 1000 University Ave., Berkeley, CA 94720
 International Village, Inc., 1000 University Ave., Berkeley, CA 94720

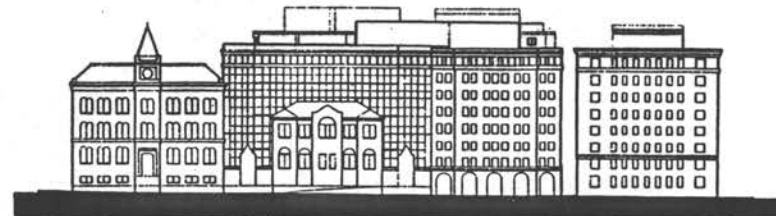
7200
Rhode Island Avenue
North Elevation

A3.2





SEVENTEENTH STREET ELEVATION



M STREET ELEVATION



SIXTEENTH STREET ELEVATION

0 10 20 30 40 50 60 FT.

Architect: The Charles E. Smith Company
 1000 Rhode Island Avenue, N.W.
 Washington, D.C. 20004
 (202) 462-1000

1616 RHODE ISLAND AVENUE

Architect: The Charles E. Smith Company
 1000 Rhode Island Avenue, N.W.
 Washington, D.C. 20004
 (202) 462-1000

ELEVATIONS OF THE SQUARE

DATE: OCTOBER 1, 1986

A3.4

[illegible]

<u>RAC AVAILABLE</u>	0
<u>STREET LIGHT</u>	0
<u>GAS</u>	
<u>GAS VALVE</u>	0
<u>SEWER</u>	
<u>CONCRETE BOX SEWER/STORM- PIPE OPEN AVAILABLE</u>	0
<u>WATER</u>	
<u>WELL</u>	0
<u>WATER VALVE</u>	0
<u>TELEPHONE</u>	
<u>TEL. AVAILABLE</u>	0

STREET LIGHT 

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

SEWER

COVER STORY: **THE NEW YORK TIMES** - **THE NEW YORK TIMES**

DATA SOURCES

WALLS
524

ORDER VALUE

Journal of Management Education 32(1)

FILED
IN COURT

Abstract

1. VERTICAL SCALE IS BASED ON PLAYS BY MAJOR THEATRICAL GROUPS IN THE TOP 1000 BOX OFFICES "REVENUE" & "GROSS" OF THEATERS."
2. NO FULL THEATRICAL PRODUCTION
3. SEVEN THEATERS = 7
4. THEATRICAL GROUP IS BASED ON MAJOR THEATRICAL GROUPS
5. ALL THEATERS ARE FROM AVAILABLE THEATERS OF THEATERS GROUP AND THEATRICAL GROUPS GROUPS.

THE UNDERGROUND UTILITY LOCATIONS SPECIFICALLY NOTED IN THE TABLE BELOW ARE GRAPHICALLY SHOWN HEREON HAVE BEEN LOCATED FROM A COMBINATION OF FIELD SURVEY INFORMATION, AERIAL SURVEY LOCATIONS, AND/OR EXISTING DRAINAGE. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPREHEND ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE INDICATED FROM THE BEST AVAILABLE INFORMATION SHOWN BELOW WHICH COMPREHENDS THE RECORD INFORMATION OBTAINED BY THE SURVEYOR. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, UNLESS SPECIFICALLY NOTED ON THE DRAINAGE.

THE FOLLOWING UTILITY COMPANIES HAVE BEEN SOLICITED FOR THEIR PLANS AND RECORD UTILITY DRAWINGS. LISTED BELOW ARE SPECIFIC PLAN/SHEET NUMBERS OF DRAWINGS PROVIDED BY THE UTILITY COMPANY OR LACK OF RESPONSE IS NOTED.

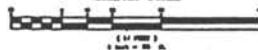
VIA TV COMPANY		PLAN 2 / SHEET 2
TELEPHONE_____	NO RESPONSE TO DATE	
DAS_____	NO RESPONSE TO DATE	
ELECTRIC_____	NO RESPONSE TO DATE	
CABLE TV_____	NO RESPONSE TO DATE	
WATER & SEWER_____	SUBJECT OF ORIGINAL REPORT AND SUBSEQUENT CHECKS	

THE OWNER/DEVELOPER OF THE SUBJECT PROPERTY IS RESPONSIBLE FOR OBTAINING INFORMATION AND COORDINATING WITH ALL OTHER UTILITIES NOT LISTED IN THE TABLE ABOVE. THE OWNER/DEVELOPER IS ALSO RESPONSIBLE FOR CONTACTING "MISS UTILITY" 48 HOURS PRIOR TO CONSTRUCTION.

[illegible]

20' PUBLIC ALLEY

GRAPHIC SCALE



VICENTY MAN

1616 RHODE ISLAND AVENUE

The Charles E. Smith Companies
2345 Crystal Drive
Arlington, VA 22202

University of California Washington Center
University of California, Office of the President
3800 Lakeside Drive, Oakland, CA 94612

EXISTING CONDITIONS PLAN

C1.0.

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 02-51 (871-B)

Case No. 02-51/01-04M/98-12M/88-32C

(Extension of a Planned Unit Development Located at

1616 Rhode Island Avenue, N.W. – Rhode Island Associates Limited Partnership)

April 14, 2003

On November 13, 1989, by Zoning Commission Order No. 638, the Zoning Commission approved a Planned Unit Development ("PUD") and Zoning Map Amendment from the SP-2 Zone District to the C-4 Zone District for the property located at 1616 Rhode Island Avenue, N.W. (Lot 824, Square 182). The property subject to Order No. 638 (Lot 824) is now comprised of two lots, Lot 83 and Lot 82 (the subject of this extension request). Lot 824 had a land area of 32,726 square feet. The PUD approval was for a single building to be devoted to residential, office, and retail uses with a height of 106 feet. The approved density was 8.5 FAR, with 6.86 FAR to be devoted to office and limited retail uses and 1.64 FAR for residential use, together with 125 parking spaces for commercial uses plus one space for each dwelling unit.

In the 1990's, a series of time extensions and modifications to the PUD were approved in Zoning Commission Orders numbered 638-A through 638-E. The most significant modification was adopted in Zoning Commission Case No. 98-12M (Order No. 638-F dated December 14, 1998, which appeared in the *D.C. Register* as Order No. 871). In that case, the property owner, Rhode Island Associates Limited Partnership (the "Partnership"), applied for the PUD Modification on behalf of two contract purchasers, each of whom proposed to buy approximately one-half of Lot 824 and build separate buildings on their respective portions. In Zoning Commission Order No. 638-F (871), the Commission approved this division of Lot 824 and authorized two discrete buildings. The eastern half of the site was approved to allow The University of California ("University") to construct a mixed-use building for academic, office, and residential uses (on a portion of the site now known as Lot 83). The western half of the site (now known as Lot 82) was approved for the construction of an inn by Homestead Village, Inc.

In totality, Zoning Commission Order No. 638-F, approved a combined density for the two new PUD lots of 8.2 FAR, with 3.05 FAR allocated to residential uses and 5.15 FAR for academic, office, and hotel uses.

The University purchased its half of the PUD property and constructed its project. It is currently occupied and used by the University for its semester in Washington program. Homestead Village, however, decided not to build the approved inn on Lot 82 and did not purchase the property from the Partnership.

In 2000, the Human Rights Campaign ("HRC") and its affiliate, the Human Rights Campaign Foundation, entered into a contract to purchase Lot 82 from the Partnership. In February 2001,

HRC filed an application to modify the portion of the PUD affecting Lot 82 so as to change the permitted use from inn to office building and substitute a new design and plans for the proposed headquarters building of HRC. A public hearing was conducted by the Zoning Commission on July 12, 2001 regarding the HRC PUD modification application. After the public hearing, HRC was presented with higher than anticipated construction costs that made its proposed office building development on Lot 82 financially infeasible. HRC subsequently informed the Zoning Commission that it was finalizing an offer from a hotel developer who would construct a hotel project that satisfied the requirements of Z.C. Order No. 638-F (871). In order to facilitate those negotiations, HRC requested a one-year extension of Order No. 638-F.

On September 17, 2001, the Zoning Commission considered HRC's extension request and voted to grant the request and tabled any action on HRC's request to modify the approved PUD. Zoning Commission Order No. 871-A was published in the D.C. Register on October 12, 2001, and extended the validity of the PUD approved in Z.C. Order No. 638-F until December 31, 2002.

On October 10, 2001, counsel for HRC submitted a letter to the Zoning Commission that stated:

As a result of the events of September 11 [2001], the market for hotel development in Washington has come to a halt for an indefinite period of time. Accordingly, HRC is exploring other options including the feasibility of a smaller HRC headquarters building on the site. Given these circumstances, the applicant requests that the Zoning Commission table any further action on this case until its January 8, 2002 meeting.

Thereafter, HRC determined that it was no longer interested in developing a headquarters building on Lot 82. Despite the contract to purchase, HRC did not buy Lot 82. It relinquished its rights under the contract in late Spring 2002. Prior to the expiration of the extended Order No. 638-F, on December 17, 2002, the Partnership again requested an extension of Zoning Commission Order No. 638-F for a period of two years.

Pursuant to § 2408.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request being made before the expiration of the approval.

The Commission believes that an extension of the existing PUD is reasonable and would not adversely affect any party or the residents of the District of Columbia. The Commission finds that the Partnership acted prudently within the marketplace to effectuate Zoning Commission Order No. 638-F. Moreover, the Commission finds that since the date of the termination of HRC's contract rights, the Partnership has continually and actively attempted to develop the site in accordance with Order No. 638-F and Order No. 871-A. The Commission finds that the Partnership's inability to proceed with development of the approved PUD is a result of economic and market conditions that are outside the control of the Partnership.

The Commission also finds that this request for an extension of time within which to commence the PUD project is in the best interests of the District of Columbia, is consistent with the intent

and purposes of the Zoning Regulations, the requirements of Chapter 24 of the Zoning Regulations, the PUD process, and the District of Columbia Comprehensive Plan for the National Capital. The Commission notes that both the Comprehensive Plan designation and the zoning designation for the site have remained the same since the Commission's 1998 PUD modification approval.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order No. 638-F be **EXTENDED** until April 14, 2005. Prior to the expiration of that time, the developer shall file an application for a building permit, as specified in 11 DCMR § 2406.8 and construction shall start on or before April 14, 2006.

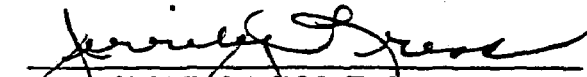
The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited by the act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

The decision to approve the extension was made at the Commission's public meeting on April 14, 2003, by a vote of 3-0-2 (Anthony J. Hood, John G. Parsons, and James H. Hannahan to APPROVE; Peter G. May not present, not voting; and Carol J. Mitten recused herself from this case).

In accordance with 11 DCMR § 3028, this order is final and effective upon publication in the *District of Columbia Register*; that is, on SEP 05 2003.



CAROL J. MITTEN
Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning

6

Comparison of Modified Proposal to the Original Approval and First Modification

The proposed modification meets substantially all of the pertinent requirements of the Original PUD, as contained in the conditions of Order No. 638, as follows:

- **Original:** The PUD site shall be developed with a mixed-use structure which will contain a mixture of residential, retail and office uses.

First Modification: The project shall be a mixed-use project consisting of the construction of two separate buildings containing academic, office, residential and hotel uses. The property may be subdivided into two lots of record.

Proposed: The PUD will consist of a mixed-use project consisting of the construction of two separate buildings containing academic, residential and commercial uses. The property has been subdivided into two lots of record.

- **Original:** The floor area ratio of the PUD shall not exceed 8.5, of which a maximum of 6.86 FAR shall be devoted to office/retail use, and a minimum of 1.64 FAR shall be devoted to residential use.

First Modification: The total FAR of the PUD (both buildings combined) was approved to be 8.2, of which 5.15 FAR was to be devoted to non-residential uses including academic/office/hotel uses, and 3.05 FAR was to be devoted to residential use. The University building was to have a total

FAR not to exceed 8.5 and the hotel was to have a total FAR not to exceed 7.9.

Proposed: The total FAR of the PUD (both buildings combined) will be 8.5, of which 5.45 FAR will be devoted to non-residential uses including academic/office/commercial use and 3.05 FAR will be devoted to residential use. The modified bulk and massing of the project is consistent with the originally-approved PUD.

- **Original:** The height of the building shall not exceed one hundred six (106) feet.

First Modification: The maximum building height of either building shall not exceed 106 feet.

Proposed: The height of the proposed building will be 104 feet.

- **Original:** The lot occupancy of the project shall not exceed ninety-three percent (93%) of the site.

First Modification: The lot occupancy of the project (both buildings) shall not exceed seventy-nine percent (79%) of the total site as it exists before subdivision.

Proposed: The total lot occupancy of the project (both buildings) will be 96%.

- **Original:** The project shall be developed with not less than forty-eight (48)

residential units on floors 9 and 10 of the project. The total number of residential units on the two floors shall not exceed fifty-two (52).

First Modification: The University's proposed Washington Center will have not less than 77 nor more than 83 residential apartment units. The modified PUD will add considerably to the residential population of the neighborhood.

Proposed: Unchanged.

- **Original:** The Partnership may combine space in the residential units of the development to create larger apartments in response to market conditions.

First Modification: The Partnership will maintain this flexibility.

Proposed: The Partnership will maintain this flexibility.

- **Original:** At least 9,000 square feet of floor area at the street level of the building shall be devoted to retail uses.

First Modification: There was no requirement for retail uses.

Proposed: The Applicant is not proposing retail use.

- **Original:** There shall be a minimum of 125 on-site parking spaces for the commercial uses in addition to which there shall be not less than one assigned parking space for each residential unit, designated for use by the residential tenants.

First Modification: The University building shall provide a minimum of 44

parking spaces, and the hotel shall provide a minimum of 57 parking spaces.

Proposed: In the University of California building, there are a total of 44 parking spaces. In the commercial office building there will be a total of approximately 90 parking spaces.

- **Original:** Recreation space shall be provided on the 9th floor of the building.

First Modification: There will be passive as well as active recreation spaces located throughout the project. The University building, as a result of its unique mix of uses (academic & residential), incorporates several recreational opportunities for its users.

Proposed: Unchanged.

- **Original:** No hotel, motel, boarding house and private club uses or activity of any kind, either open or covert, shall be conducted or permitted on floors 9 and 10 of the project, and no portion of these two floors shall be converted to any such use or activity.

First Modification: Since the University owns and occupies all the residential space in the PUD, this condition is no longer applicable.

Proposed: Unchanged.

- **Original:** All leases for the residential units shall be for a minimum of 12 months.

First Modification: Since the University owns and occupies all the residential space in the PUD, this condition is no longer applicable.

Proposed: Unchanged.

- **Original:** No residential unit shall be leased to any corporation, partnership, association, joint venture, government agency, trust, estate, or the like.

First Modification: Since the University owns and occupies all the residential space in the PUD, this condition is no longer applicable.

Proposed: Unchanged.

- **Original:** Landscaping shall be provided as shown in the record.

First Modification: Landscaping shall be provided as shown on the plans in the record. The yards, courts, driveways and loading berths of the PUD shall be as shown on the plans in the record.

Proposed: The Partnership intends to implement the landscape plans submitted in the record, as approved by the Commission.

- **Original:** The Partnership shall relinquish a 2½ feet setback at the right-of-way lines of the alleys to the east and west of the PUD site for a height of not less than two (2) stories. Such setback areas shall be improved at the alley level to allow for unobstructed vehicular use for public purposes.

First Modification: The University building was set back from its east property line by five feet (to a height of fourteen feet) in order to effectively widen the public alley from ten to fifteen feet; additionally, the hotel was to be set back from its western property line by eleven feet (to a height of fourteen feet) thus increasing the effective width of the alley to twenty-one feet.

Proposed: The University building is set back from the east alley by five feet and the office building is proposed to be set back 2½ feet (to a height of 15 feet) from the west alley.

- **Original:** The Partnership was to execute a binding agreement with the D.C. Board of Education or the D.C. Public Schools which provides that the Applicant shall contribute a minimum of \$150,000 toward the renovation or repairs of the John W. Ross Elementary School.

First Modification: The Partnership has complied with this Condition and made the required payment to the Board of Education.

Proposed: The Partnership has complied with this Condition and made the required payment to the Board of Education.

- **Original:** The Partnership shall enter into a Memorandum of Understanding with the Minority Business Opportunity Commission, to make a bona fide effort to award at least thirty-five (35) percent of the construction-related contracts for the project to certified minority business enterprises.

First Modification: The Partnership has executed such Memorandum.

Proposed: The Partnership has executed such Memorandum.

- **Original:** The Partnership shall enter into a First Source Agreement with the Department of Employment Services ("DOES") which provides that the Partnership will use DOES as its first source for the recruitment, referral and placement of employees in connection with the construction of the project.

First Modification: The Partnership has entered into such First Source Agreement with the Department of Employment Services ("DOES")

Proposed: The Partnership has entered into such First Source Agreement with the Department of Employment Services ("DOES")

- **Original:** The change of zoning from SP-2 to C-4 for Lot 824 in Square 182 shall be effective upon recordation of a PUD covenant, pursuant to 11 DCMR 2407.3.

First Modification: The Partnership has recorded the PUD Covenant.

Proposed: The Partnership has recorded the PUD Covenant.

In addition, the First Modification added additional requirements. The current proposal meets those requirements as follows:

First Modification: The Partnership shall make a \$10,000 donation to the Dupont Circle Citizens Association for the completion of the Dupont Circle Resource Center prior to the first to occur of (1) the issuance of a building

permit for the hotel or (2) the issuance of a building permit for the University Center;

Proposed: The Partnership has made this donation.

First Modification: Prior to the issuance of a building permit for the hotel, a \$25,000 donation shall be made to the National Park Service for improvements to Dupont Circle Park;

Proposed: The Partnership shall make this donation prior to the issuance of a building permit for the commercial office building.

First Modification: Prior to the issuance of a Certificate of Occupancy to the University, a mentoring program between the University of California and Ross Elementary School shall be established.

Proposed: It is the Partnership's understanding that the University has established a mentoring program with Ross Elementary School.