

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance (via-email)
From: Sharon S. Schellin³
Secretary to the Zoning Commission
Date: August 5, 2009
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 14, 2009:

1. Z.C. Order No. 02-51C (Case No. 02-51C); and
2. Z.C. Order No. 03-12H/03-13H (Case No. 03-12H/03-13H).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. 02-51C
EXHIBIT NO. 28

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

ZONING COMMISSION ORDER NO. 02-51C

Z.C. Case No. 02-51C

(Modifications to an Approved First Stage Planned Unit Development and Second Stage Application for Planned Unit Development)

Center for Strategic and International Studies, Inc.

July 27, 2009

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on June 25, 2009, to consider an application from the Center for Strategic and International Studies, Inc. ("Applicant") for second stage review and approval of a planned unit development ("PUD") for Square 182, Lot 82 pursuant to Chapters 24 and 30 of the District of Columbia Municipal Regulations ("DCMR") Title 11 (Zoning). The public hearing was conducted in accordance with the provisions of 11 DCMR Section 3022.

At the public hearing on June 25, 2009, the Commission took proposed action to approve the applications and plans that were submitted into the record.

The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the Home Rule Act. The NCPC Executive Director, through a Delegated Action dated July 2, 2009, found that the proposed PUD was not inconsistent with the Comprehensive Plan for the National Capital and would not adversely affect any other identified federal interests.

As will be explained below, the Commission, prior to final action, recognized that the Applicant was seeking modifications to the first stage order and decided to consider the Application as encompassing two requests.

The Commission took final action to approve the applications on July 27, 2009.

FINDINGS OF FACT

Project and PUD Site

1. The project site ("Project Site") consists of Square 182, Lot 82. It is located at 1616 Rhode Island Avenue, which is on the south side of Rhode Island Avenue, N.W. between Scott Circle and 17th Street in Ward 2. The Project Site is approximately 15,349 square feet in area and has been used as a surface parking lot for several years. It is bounded by public alley and the Human Rights Campaign headquarters office building to the west. To the east is the University of California building.¹ (Exhibit 3, p. 3; Exhibit 15, p. 2.)
2. The Project Site is part of a larger Planned Unit Development Site ("PUD Site"). The PUD Site consists of Square 182, Lots 82 and 83 ("PUD Site"). The Project Site is the western half of the PUD Site. The eastern half of the PUD Site is the University of

¹ The measured area of the Project Site is 15,349 square feet; however, the recorded area of the Project Site is 15,394 square feet. CSIS used the more conservative number for its measurements.

California building, which has already been constructed. The PUD Site has a total land area of 32,726 square feet and approximately 230 feet of frontage along Rhode Island Avenue. It abuts alleys to the east, west, and south. (Exhibit 3, pp. 3, 4-5; Exhibit 15, p.2.)

3. The PUD Site is located in the C-4 Zone District. The properties in the vicinity of the site are located in the C-4, SP-2, and SP-1 Zone Districts. The areas surrounding the PUD Site include major office development to the south of the PUD and a mix of office, hotel, residential, and recreational facilities at moderate and high densities to the east, west, and north of the site. Immediately to the south of the PUD Site is the Sumner-Magruder School office complex. (Exhibit 3, p. 3; Exhibit 15, p. 3.)
4. The PUD Site is designated as appropriate for high-density commercial use pursuant to the Comprehensive Plan and is located in the Central Employment Area. It is located within three blocks of both the Farragut North Metro Station and the Dupont Circle Metro Station. (Exhibit 3, p. 22; Exhibit 15, p. 26.)
5. The PUD Site is located in the southeastern portion of the Dupont Circle Overlay District and is northwest of the Downtown Development Overlay District. (Exhibit 3, Exhibit C; Exhibit 15, Exhibit C.)

Procedural History

6. The PUD Site has an extensive history with the Commission. (Exhibit 3, pp. 4-5; Exhibit 15, pp. 3-4; Exhibit 20, Exhibit 2.)
7. Zoning Commission Order No. 638, dated December 15, 1989, approved a consolidated PUD and map amendment from SP-2 to C-4 of the PUD Site. 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 floor area ratio ("FAR") of 8.5.
8. The Commission subsequently approved an interim use of the PUD Site, minor modifications to the PUD, and extensions of the PUD in Zoning Commission Orders Numbered 638-A, 638-B, 638-C, 638-D, and 638-E.
9. In 1998, the Commission approved the subdivision of the PUD Site and authorized two discrete buildings. The eastern half of the site, now known as Lot 83, was approved to allow the University of California to construct a mixed-use building for office, academic, and residential uses. The western half of the site, now known as the Project Site, was approved for the construction of a suites hotel. The Commission approved a density of 8.2 FAR for the PUD Site, with 3.05 FAR to be reserved to residential uses and 5.15 FAR to be allocated to office, academic, and commercial hotel uses. An 8.5 FAR was approved for the University's building and a 7.9 FAR was approved for the hotel. (Zoning Commission Order No. 638-F).

10. The University of California subsequently purchased Lot 83 and constructed its project, which is the University of California's "Washington Center." A hotel was never constructed on the Project Site. (Zoning Commission Order No. 02-51.)
11. In 2000, the Human Rights Campaign ("HRC") and its affiliate, the Human Rights Campaign Foundation, entered into a contract to purchase Lot 82 from Rhode Island Associates Limited Partnership. In 2001, HRC filed an application to modify the approved PUD to change the permitted use for Lot 82 from commercial 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 Commission on July 12, 2001. After the public hearing, HRC opted not to pursue the proposed development and informed the Commission that it was finalizing an offer from a hotel developer to construct a hotel project satisfying the requirements of Zoning Commission Order No. 638-F and simultaneously requested a one year extension of Order No. 638-F.
12. On September 17, 2001, the Commission voted to grant HRC's request to extend the PUD and tabled action on HRC's request to modify the approved PUD. (Zoning Commission Order No. 871-A).
13. HRC's hotel developer did not consummate the transaction and the property reverted to the Rhode Island Associates Limited Partnership. (Zoning Commission Order No. 02-51).
14. On September 5, 2003, the Commission granted another extension of the PUD until April 14, 2005. (Zoning Commission Order No. 02-51).
15. On April 12, 2005, Rhode Island Associates Limited Partnership filed a motion to modify the PUD and to simultaneously extend the PUD. The Partnership proposed an office building that was 110 feet in height, consisted of 130,870 square feet (8.5 FAR) and included up to 120 parking spaces. The Commission held a hearing on both requests on December 1, 2005. At that time, the Commission directed Rhode Island Associates Limited Partnership to revise its application and to apply for a modification via a two-stage PUD within six months. (Exhibit 2, p. 6; Transcript for December 1, 2005 Hearing, p. 36.)
16. On May 31, 2006, Rhode Island Associates Limited Partnership filed a first-stage application to modify an approved PUD. The Commission approved the First-Stage PUD on February 12, 2007, and granted the property owner one year to file the Second-Stage PUD application. More detail regarding the parameters of the First-Stage PUD are provided below. (Zoning Commission Order No. 02-51A.)
17. Rhode Island Associates Limited Partnership subsequently sold the Property to the Center for Strategic and International Studies, Inc. ("CSIS"). CSIS filed an application on June 26, 2009, to extend the validity of the First-Stage PUD. The Commission

granted a one-year extension request on September 8, 2008. (Zoning Commission Order No. 02-51B.)

18. CSIS timely filed an application for Second-Stage PUD approval on November 18, 2008. The application sought approval of a 104 foot office building with a floor area ratio of 7.39 ("Project"). The building that is the subject of the Second-Stage application was designed by Hickok Cole architects. (Exhibit 3.)

Pre-Hearing Procedure

19. CSIS' Second-Stage application was set down for a public hearing at the Commission's January 12, 2009, public meeting. At the public meeting, the Commission requested additional information regarding (1) the feasibility of the loading; (2) the dimensions of the slit windows on the west side of the front façade; (3) details of the privacy screen on the east façade; and (4) a more thorough description of the building height.
20. The Office of Planning ("OP") submitted a report dated November 25, 2009, in support of setting the application down for a public hearing. OP noted that additional information was required regarding areas of zoning relief, the recipient of the affordable housing contribution, and the timing of payment of monetary contributions included in CSIS' benefits and amenities package. (Exhibit 12.)
21. CSIS filed its pre-hearing statement on April 10, 2009, and addressed each of the concerns raised by the Commission and OP. CSIS supplemented the record on June 3, 2009, with information regarding its witnesses and resumes for its experts. At the hearing on June 25, 2009, the Commission accepted Michael Hickok as an expert in architecture and Chris Kabatt as an expert in traffic engineering. (Exhibit 15.)

Modifications to First Stage PUD

22. The Second-Stage PUD varies from the First-Stage approval in eight primary respects: (1) access to the parking garage; (2) number of loading berths and parking spaces; (3) the terrace along the eastern wall; (4) its height; (5) the rooftop structures; (6) lot occupancy; (7) the depth of the rear yard; and (8) the grade of the garage ramps. (Exhibit 15, p. 6.)
23. The First-Stage PUD approved access to the garage directly from Rhode Island Avenue. The Second-Stage PUD design provides garage access from an existing alley to the west of the Project Site. This modification allows for the elimination of an existing curb cut on Rhode Island Avenue, which is strongly supported by both the District Department of Transportation ("DDOT") and the Advisory Neighborhood Commission ("ANC"). (Exhibit 3, p. 7; Exhibit 15, p. 7.)
24. The First-Stage PUD approved a speculative office building and required two loading berths and 90 parking spaces. The building that is the subject of the Second-Stage PUD

will be built specifically as the headquarters of CSIS. As such, one loading berth can meet its needs. Given that CSIS will be the only building occupant, there will not be tenant movement into and out of the building. CSIS testified to having limited loading needs that can be met with one berth. CSIS is also reducing the number of parking spaces on-site to 78. Approximately one quarter of CSIS' employees live within walking distance of the Property. The Property is also well-served by public transit and car-share programs, which further render the need for extensive on-site parking unnecessary. (Exhibit 3, p. 8; Exhibit 15, p. 8.)

25. In order to protect the privacy of the University of California courtyard, the First-Stage PUD required certain windows along the eastern wall of the building to use specialized glass. The Second-Stage PUD design instead sets the building back five feet from the lot line at the fourth through ninth floors. It also incorporates a privacy screen, which is approximately 22 feet tall and 79 feet long and comprised of a mesh panel framed with galvanized painted steel tubes. The University of California supports the replacement of the specialized window glass with the proposed privacy screen. (Exhibit 3, p. 9; Exhibit 15, p. 9.)
26. The maximum height of the subject building was approved at 104 feet in the First-Stage PUD. The approved design in the Second-Stage PUD has a maximum height of 104 feet for the majority of the building. A limited portion of the roof along Rhode Island Avenue rises to a maximum height of 116 feet. The Commission finds that the enhanced architectural design justifies the flexibility in building height, particularly in light of the fact that the maximum height otherwise permitted in a C-4 PUD is 130 feet. (Exhibit 3, p. 10; Exhibit 15, pp. 9-12.)

Second-Stage PUD

27. Zoning Commission Order No. 02-51A approved the First-Stage PUD. It approved a commercial office building with a maximum density of 8.4 FAR and a gross floor area of 129,680 square feet. The maximum approved height for the building was 104 feet (to top of roof slab) and nine stories. The First-Stage approval required that at least 90 parking spaces be provided on-site in a below-grade garage. (Zoning Commission Order No. 02-51A.)
28. The Second-Stage PUD approves a commercial office building that will serve as the headquarters for the CSIS. It will have a maximum density of 7.39² FAR; a typical height of 104 feet, but a maximum height of 116 feet; a lot occupancy of approximately 99.5%; and will provide 78 parking spaces in a below-grade garage. (Exhibit 3, p. 7; Exhibit 15, p. 6.)

² Per the most recent Construction Code, the Applicant is considering reducing the size of the mechanical shafts in the building, which would increase the density to approximately 7.42 FAR.

29. The rooftop structures are of varying heights and not setback from the building edges at a 1:1 ratio. CSIS has gone through great efforts to minimize the visibility of the roof structures, making their effect minimal. (Exhibit 3, p.11; Exhibit 15, pp.12-13.)
30. The office building occupies nearly the entirety of the Subject Property (99.5%) and will increase the lot occupancy for the entire PUD Site to approximately 98.7%. It will provide a 10-foot rear yard, measured from the centerline of the alley. CSIS minimizes the effect of the impervious surfaces by maximizing its green design package, including a green roof. The green roof will help manage storm water runoff and reduce the impervious surface area. (Exhibit 3, pp.11-12; Exhibit 15, pp.13-14.)
31. CSIS is providing internal garage ramps with a maximum grade in excess of 12%. The Commission finds no issue in providing ramps with a maximum grade of 16.5%. (Exhibit 15, p.14.)

PUD Evaluation Standards

32. The Second-Stage PUD is consistent with the PUD Evaluation Standards delineated in Chapter 24 of the Zoning Regulations. Specifically, the Project:
 - Is consistent with the Comprehensive Plan - The design is consistent with and furthers many of the District's goals and objectives.
 - Provides superior Urban Design, Architecture, and Landscaping - The building is located in the Dupont Circle neighborhood and is within walking distance of two Metrorail Stations and multiple bus lines. The building also replaces a surface parking lot with a commercial office building of superior design, thus providing infill development that will enhance the quality and safety of the pedestrian experience along Rhode Island Avenue. The building is consistent with "green" design principles and will reach the LEED-Silver level of sustainability.
 - Offers carefully crafted Site Planning - The Project is located in the heart of the District and along several public transportation routes. Moreover, it is infill development of a site that has been underutilized for a number of years. Constructing an office building of superior design on the site of a surface parking lot improves the aesthetics of the block, reduces stormwater runoff, and increases safety with additional activity on the block.
 - Provides Effective and Safe Vehicular and Pedestrian Access - The design moves garage access to on-site parking away from Rhode Island Avenue to the alley adjacent to the building. This reduces the possibility of queuing on Rhode Island Avenue and reduces conflicts with pedestrians since it eliminates the need for an existing curb cut along Rhode Island. The site plan simplifies vehicular access to promote vehicular efficiency and pedestrian safety.

(Exhibit 3, pp. 18-21; Exhibit 15, pp. 23-25.)

Benefits and Amenities

33. CSIS will honor the benefits and amenities package approved in the First-Stage PUD, with the exception of a contribution for improvements to Scott Circle, which have already been completed. Instead of a contribution for Scott Circle improvements, CSIS will make a contribution to the Dupont Circle Village, a non-profit, community based “aging in place” program. CSIS’ contributions include:

- \$220,000 to constructing planned improvements in Stead Park;
- \$25,000 to Dupont Circle Village;
- \$25,000 to the Dupont Circle Citizens Association;
- \$20,000 to Ross Elementary School;
- \$10,000 to Francis Junior High;
- \$100,000 to Banc of America Community Development Corporation in support of its Parkside senior housing facility in the Parkside neighborhood of Northeast Washington;
- “Green” Building Package certifiable at a LEED-Silver level;
- Execution of a First Source Agreement;
- Participation in the Minority Business Opportunity Commission program.

(Exhibit 3, p. 20; Exhibit 15, pp. 24-25; Exhibit 24.)

34. Other benefits and amenities provided in connection with this PUD that have already been paid include:

- \$150,000 to Ross Elementary School; and
- \$10,000 to Dupont Circle Resource Center.

Each of the benefits and amenities included in this paragraph have been paid in full or executed. (Exhibit 3, p. 20; Exhibit 15, pp. 24-25.)

Consistency with the District Elements of the Comprehensive Plan for the National Capital: (“Comprehensive Plan”)

35. The purposes of the Comprehensive Plan are to define the requirements and aspirations of District residents, and accordingly influence social, economic, and physical development; guide executive and legislative decisions and matters affecting the District and its citizens; promote economic growth in jobs for District residents; guide private and public development in order to achieve District and community goals; maintain and enhance the natural and architectural assets of the District; and assist in the conservation,

stabilization and improvement of each neighborhood and community in the District. (Exhibit 3, pp. 21-24; Exhibit 15, pp. 25-29.)

36. This application is consistent with several citywide elements:

- Land Use Map - The Future Land Use Map designates the Property as appropriate for High Density Commercial development. This designation calls for promoting appropriate commercial development and is used to define major office employment centers on the downtown perimeter. It is characterized by office and mixed office/retail buildings greater than eight stories in height and is generally consistent with the C-4 Zone District. The CSIS office building is consistent with the Comprehensive Plan designation.
- Land Use Element - The Plan cites the importance of transit-oriented development. (LU-1.3). The Project Site is located a short walk from the Farragut North and Dupont Circle Metrorail Stations and is located along several bus routes. As such, it fulfills the Plan's desire for infill development near established transportation infrastructure.
- The Project has also been designed to integrate into the existing fabric of Rhode Island Avenue and to make it a cohesive corridor. The building design replaces a surface parking lot with a thoughtfully designed commercial office building. The new development will improve pedestrian safety and traffic circulation along Rhode Island Avenue by removing a curb cut. Ultimately, this Project is an appropriate infill development that will improve an underutilized site in a prominent location in the District. (LU-1.4).
- Transportation Element - The Plan supports transit-oriented development and encourages investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. Though this Project is within walking distance of two Metrorail stations, it is also located along a major bus corridor. Numerous bus routes travel down Rhode Island Avenue, making this location easily accessible by public transportation.

The Project is also aligned with the Plan's goal of supporting transit-oriented employment. Constructing a nine-story office building that is easily accessible by multiple modes of public transportation is consistent with this objective.

- Economic Development Element - The office building will serve as the headquarters for an international organization. Policy ED-2.1.2 of the Economic Development Element suggests promoting the qualities that favor the District as a headquarter for multi-national corporations and to construct incentive packages to encourage large corporations to locate and maintain their offices in the District. This development allows the District to retain the headquarters for the CSIS organization.

The Economic Development Element encourages opportunities for build-to-suit/signature office buildings in order to accommodate high-end tenants and users and corporate headquarters. (ED-2.1.3.) This building is designed specifically for CSIS and meets the needs of their daily operations. The design incorporates creative architectural elements and high-quality materials, resulting in an elegant building of superior design.

This Element also supports continued growth of the office sector through infill development, which is consistent with this proposal. As stated previously, this office building improves an underutilized lot and replaces a surface parking lot along Rhode Island Avenue.

- Urban Design Element - The Urban Design Element of the Plan seeks to, among other goals, reinforce boulevards and gateways and improve the aesthetic character of the city's avenues. This building replaces a surface parking lot with a well-designed high-end office building along a prominent stretch of Rhode Island Avenue. Improving this underutilized site improves the streetwall along the Avenue, enhances the aesthetic of the street, and encourages additional pedestrian traffic. The superior design of the building contributes to the quality of the existing design in the surrounding neighborhood.
- Compliance with Area Element - The Project Site is located within the boundaries of the Central Washington Area Element and the Golden Triangle/K Street focus area. The Plan encourages maintaining the area as a prestigious employment center. CSIS is a prestigious international think-tank that interacts with national and foreign dignitaries on a daily basis. Keeping the CSIS headquarters in this area of DC and encouraging the construction of a high-quality office building support this goal.

The area element also encourages improving pedestrian safety by restricting the number of curb cuts along streets and improving certain streets for pedestrian use. This project eliminates an existing curb cut on Rhode Island Avenue, making it safer for pedestrian traffic. It also fills a vacant site that may be imposing to pedestrians who pass by it at night.

(Exhibit 3, pp. 21-24; Exhibit 15, pp. 25-29.)

Government Reports

37. OP submitted its final report on June 15, 2009. It recommended approval of the Second-Stage application on the condition that prior to the issuance of building permits, CSIS show proof of payment of the monetary contributions listed in Finding of Fact No. 28. OP also recommended requiring CSIS to submit a signed document to participate in the Department of Employment Services' First Source Employment and Minority Business

- Opportunity Commission programs prior to the issuance of building permits. (Exhibit 20, p. 1.)
38. OP's report stated that CSIS required additional relief for a non-conforming court along the eastern wall of the building. CSIS indicated in its pre-hearing statement that it did not request the relief on the basis that it was enlarging an approved, non-conforming court located on the University of California property, rendering relief unnecessary. (Exhibit 20, p. 5; Transcript, p. 51.)
39. OP further stated that the "proposed environmentally-sensitive office building and streetscape improvements further [the themes of the Comprehensive Plan] by providing an appropriate infill development in the vicinity of a Metro station that features a signature office building and streetscape treatment. This proposal also keeps the headquarters of a renowned local institution within the District, thus retaining and possibly increasing the number of employment opportunities within the Central Employment Area of the District." (Exhibit 20, p. 9.)
40. OP concluded that the Second-Stage application was not inconsistent with the Comprehensive Plan. (Exhibit 20, p. 9.)
41. DDOT submitted a letter on June 23, 2009, in support of the application. DDOT supports the use of the existing alley to access the below-grade parking garage. It also applauds CSIS for locating its utility vaults in the alley. DDOT agreed that one loading berth and 78 parking spaces were sufficient to serve CSIS. DDOT further agreed with CSIS' analysis that there was sufficient room to accommodate trucks using the alley system to access the loading berth. (Exhibit 21, p. 2.)
42. DDOT recommended that CSIS designate an individual as the transportation coordinator for its transportation demand management program. It further recommended that as a part of the transportation demand management program, CSIS distribute information to its employees about ZipCar and information regarding bicycle route maps and bicycle safety. DDOT also recommended that the transportation demand management program include a \$20 SmarTrip card for each staff member upon moving into the new building. (Exhibit 21, p. 2.)

Advisory Neighborhood Commission Report

43. ANC 2B submitted a letter in support of the Second-Stage application on December 18, 2009. The letter reflected the ANC's unanimous support for the application on the condition that CSIS abide by the benefits and amenities package proffered in the First-Stage PUD application. (Exhibit 13.)

Persons in Support

44. HRC wrote a letter dated February 26, 2009, in support of the application. It states that HRC “support[s] the building design and [looks] forward to the addition of this striking and beautiful building to our neighborhood.” (Exhibit 15, Exhibit G.)
45. No person or party appeared in opposition to the PUD modification at the public hearing.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.2.) The application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.
2. Under the PUD process, the Commission has the authority to consider this application as a two-stage PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards.
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
4. The Commission notes that the zoning for the property will not change and the PUD Site meets the minimum area requirements under the Zoning Regulations.
5. The Commission agrees with the testimony of the project architect and the representative of CSIS and believes that this project does in fact provide superior features that benefit the surrounding neighborhood. The Commission believes that the design and site planning of the project encourages use of public transportation and promotes green design.
6. The Commission finds that the bulk and height of the office building is appropriate for the Project Site as it complements the heights of both the HRC building to the west and the University of California building to the east. It finds that the maximum height of the building is 116 feet, which is appropriate given its context and the building’s design. The Commission also finds that flexibility is necessary with regard to the building density to allow CSIS to accommodate the guidelines set forth in the Building Code.

7. Approval of the application will promote the orderly development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.
8. Approval of the Second-Stage PUD is not inconsistent with the Comprehensive Plan. The Commission agrees with the determination of OP in this case and finds that the proposed project is consistent with and fosters numerous citywide elements of the Comprehensive Plan.
9. The Commission agrees with the conclusions of the Applicant's traffic and parking expert, as well as the conclusions of DDOT that the proposed project will not create any adverse traffic or parking impacts on the surrounding community. The Commission finds that one loading berth and 78 parking spaces are sufficient to serve CSIS. It further agrees that there is adequate space for trucks to maneuver into and out of the loading dock.
10. The benefits and amenities provided by the Project, particularly its contributions to the community, its green design features, and affordable housing contribution, are reasonable for the development proposed in this application.
11. The proposed modifications to the First-Stage PUD are reasonable and necessary to the success of this Project. They will not adversely affect the public or diminish the amenities offered by the Project.
12. In accordance with D.C. Official Code §1-309.10(d), the Commission must afford great weight to the issues and concerns of the affected ANC. The Commission takes note of ANC 2B's letter in support of the project, and has accorded to the ANC's decision to support the project the "great weight" consideration to which it is entitled.
13. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code §6-623.04) to give great weight to OP recommendations. The OP report qualified its support of the Project on grounds that the Applicant did not specify that it needed relief to allow additional side court along the eastern wall of the building, and that the Applicant should be required to make the monetary contributions, and execute its First Source Agreement proffered as project benefits prior to the issuance of a building permit. The Commission carefully considered OP's report and testimony in support of the project, agrees with the Applicant that no side yard relief is required, and has incorporated conditions adopting OP's other recommendations, and therefore gives OP the "great weight" consideration to which it is entitled.
13. Notice of the public hearing was provided in accordance with the Zoning Regulations.

14. The Applicant 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 the modification to the First-Stage PUD approval as set forth in Findings of Fact 22 through 26 and the application for second-stage review of a Planned Unit Development for the Property as defined previously herein. The approval is subject to the following guidelines, conditions, and standards:

1. The Second-Stage PUD shall be developed in accordance with the plans and materials submitted by the Applicant and marked as Exhibits 3, 15, and 24 in the record, as modified by the guidelines, conditions, and standards of this Order. The plans shall reflect a two and one-half foot setback from the western alley for a height of 15 feet.
2. The building shall be constructed to be certifiable at a LEED-Silver level of sustainability.
3. In accordance with Condition 7 of the First-Stage PUD, the Partnership must submit proof of payment of the following contributions to the Zoning Administrator prior to issuance of a building permit: \$220,000 to planned improvements in Stead Park; \$25,000 to Dupont Circle Village; \$25,000 to the Dupont Circle Citizens Association; \$20,000 to Ross Elementary School; \$10,000 to Francis Junior High; and \$100,000 to Banc of America Community Development Corporation for its Parkside senior living facility. In the event the above-referenced recipients complete their improvements prior to payment of these contributions, CSIS shall work with the ANC in designating another recipient for monetary contribution.
4. CSIS shall execute agreements with the District of Columbia Office of Employment Services for participation in its First Source Employment and Minority Business Opportunity Commission programs prior to the issuance of a building permit for the Project.
5. CSIS shall establish a transportation demand management program that requires CSIS to distribute information to its employees regarding the ZipCar program and nearby ZipCar locations, local bicycle routes, and bicycle safety. CSIS shall also provide each staff member with a one-time SmarTrip card with a value of \$20 upon moving into its new location at 1616 Rhode Island Avenue, N.W. Finally, CSIS shall designate an individual as its transportation demand management coordinator.
6. The Applicant shall have flexibility with the design of the PUD in the following areas:

- To vary the location and design of all interior components, including, but not limited to, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structures;
 - To vary final selection of the exterior materials within the color ranges and materials types as proposed, without a reduction in quality, based on the availability at the time of construction; and
 - To make minor refinements to exterior details and dimensions, including belts, courses, sills, bases, cornices, railings, and trim or any other changes to comply with the D.C. Building Code or that are otherwise necessary to obtain a final building permit.
7. No building permit shall be issued for the Project until the Applicant has recorded a covenant among the land records of the District of Columbia between the owner and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct on or use the property in accordance with this order and any amendment thereof by the Zoning Commission.
8. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed by CSIS for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin on the Project within three years of the effective date of this order.
9. 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 denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

For the reasons stated above, the Commission concludes that the Applicant has met the burden; it is hereby **ORDERED** that the application be **GRANTED**.

On June 25, 2009, upon motion of Chairman Hood, as seconded by Commissioner Keating, the Zoning Commission **APPROVED** the application at the end of the hearing on this case by a vote of **4-0-1** (Anthony J. Hood, William W. Keating, III, Konrad W. Schlater, and Peter G. May to approve; Michael G. Turnbull not present, not voting).

On July 27, 2009, upon motion of Chairman Hood, as seconded by Commissioner Schlater, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, William W. Keating, III, Konrad W. Schlater, and Peter G. May to adopt; Michael G. Turnbull, not having participated, not voting).

In accordance with the provisions of 11 DCMR 3028, this Order shall become final and effective upon publication in the *D.C. Register* on August 14, 2009.