

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-04**

Z.C. Case No. 14-04

**(Consolidated Planned Unit Development and Related Zoning Map Amendment)
Professional Associates and International Finance Corporation – Square 74)**

[Date of Final Action]

Pursuant to proper notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on July 31, 2014 to consider an application by Professional Associates and the International Finance Corporation (“IFC”) (together, the “Applicant”) for consolidated review and approval of a planned unit development (“PUD”) for the entirety of Square 74 (the “Application”). The Commission considered the application pursuant to Chapter 24 and Chapter 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. The Commission approves the application, subject to the conditions below.

FINDINGS OF FACT

Application, Parties, and Hearing

1. The project site consists of the entirety of Square 74 (Lots 49, 832 and 840) (the “Property”) and is bounded by Pennsylvania Avenue NW, 21st Street NW, K Street NW, and 22nd Street NW.
2. On March 5, 2014, the Applicant filed an application for consolidated review and approval of a PUD. Exhibit 2.
3. During its public meeting on April 15, 2014, the Commission unanimously voted to set down the Application for a public hearing. Notice of the public hearing was published in the D.C. Register on _____ (_____) and was mailed to Advisory Neighborhood Commission (“ANC”) 2A and to owners of property within 200 feet of the Property.
4. The Application was further updated by pre-hearing submissions filed on May 19, 2014 and July 11, 2014. Exhibits 11, 20.
5. A public hearing was conducted on July 31, 2014. The Commission accepted Shalom Baranes as an expert in the field of architecture and Erwin Andres as an expert in the field of traffic engineering. The Applicant provided testimony from these experts as well as from a representative of Professional Associates on behalf of the Applicant.

6. In addition to the Applicant, ANC 2A was automatically a party in this proceeding and submitted a report in support of the application. Exhibit 24. The Commission received no other requests for party status.
7. At the hearing, the Commission heard testimony and received evidence from the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), and ANC 2A in support of the application. Exhibits 22-24, 29. The West End Citizens Association (“WECA”) submitted a letter indicating concerns regarding the proposed amenities package. Exhibit 21. The Commission heard no other testimony from persons in support of or in opposition to the Application.
8. At the close of the hearing, the Commission asked the Applicant to address certain design issues and concerns as well as the applicability of housing linkage and transferable development rights financial obligations to the Project. The Applicant addressed these issues and concerns in a post-hearing submission dated September 15, 2014. Exhibit 32.
9. At its public meeting on September 29, 2014, the Commission took proposed action by a vote of ____ to approve the Application and plans that were submitted into the record.
10. The proposed action of the Commission was referred to the National Capital Planning Commission (“NCPC”) pursuant to § 492 of the Home Rule Act. NCPC, by action dated _____, found that the proposed PUD would not be not inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.
11. The Commission took final action to approve the Application on _____ by a vote of ____.

THE MERITS OF THE APPLICATION

Overview of the Property

12. The Property consists of approximately 83,201 square feet of land area. The northeast corner of the Property (the “Development Site”) is located at the intersection of 21st Street and K Street, and it is currently improved with a 9-story commercial office building and a portion of a private alley. The remainder of the Property is improved with the IFC’s international headquarters and the remaining portion of the private alley. Exhibit 2.
13. The entrance to the Foggy Bottom-GWU Metrorail Station is approximately 3 blocks to the southwest of the Property. Exhibit 2.
14. The Property is generally surrounded by high density commercial office buildings. The Commission recently approved a PUD and map amendment to the C-4 Zone District to permit the construction of a new commercial office building in Square 75, immediately to the south of the Property. Exhibit 2; see Z.C. Order No. 06-11G/06-12G (2013).

15. The Property is located in the C-3-C Zone District. The Property is also located in the New Downtown Receiving Zone, the boundaries of which are described in the Downtown Development Overlay District section (Chapter 17) of the Zoning Regulations. Property to the north and east is also located in the C-3-C Zone District and in the New Downtown Receiving Zone.
16. The Future Land Use Map designates the Property in the High Density Commercial Land Use Category. Property to the north and east is also located in the High Density Commercial Land Use Category.

The Project

17. The Applicant requested approval to construct an eleven-story commercial office building with approximately 4,000 square feet of space devoted to retail or service uses (the “Project”). Exhibit 2.
18. The Project has been massed and designed as a complementary but contrasting structure to the existing IFC headquarters. The Project will integrate with and function as an addition to the existing IFC headquarters. The Project will connect to the existing building as a single building for zoning purposes, and the underlying property will be combined into a single lot of record. Exhibit 2.
19. The Project includes approximately 48 parking spaces, accessed from a curb cut located on 21st Street. The Applicant submitted detailed plans demonstrating that the parking entrance could not be located off the private alley due to the topography and small footprint of the Development Site. Exhibits 11, 32. DDOT testified in support of the proposed parking entrance. Loading is accessed from the existing private alley. Exhibit 2.
20. The Applicant’s traffic expert submitted a detailed transportation impact analysis that concluded that the proposed Project would not generate an adverse traffic impact on the surrounding roadway network or cause objectionable impacts in the surrounding neighborhood due to traffic or parking impacts. The Applicant’s traffic consultant also concluded that the number of parking and loading spaces as well as the location of the parking and loading entrances would accommodate the parking and loading needs for the Project and not generate adverse or objectionable impacts on neighboring property. Exhibit 20, Tab C.
21. The Project will be designed to meet the equivalent of a Gold rating under the LEED-CS 2009 rating system. Exhibit 2. Although exempt from the Green Area Ratio (“GAR”) requirements, the project will also meet the requirements for a 0.20 GAR on the Development Site through a green roof. To the extent that the Project cannot accommodate the green roof required to meet 0.20 GAR for the Development Site, additional green roof area will be constructed on the IFC headquarters to meet this goal. Exhibit 2.

22. The total gross floor area for the Project is approximately 154,765 square feet; when added to the existing IFC headquarters, the combined building will have a total floor area ratio ("FAR") of approximately 10.49 and a lot occupancy of approximately 99%. The Project will reach a maximum height of approximately 130 feet as measured from the existing measuring point on Pennsylvania Avenue NW. Exhibit 2.

PUD Flexibility Requested

23. Under Section 1709.21 of the Regulations, the Property is permitted to be developed to a maximum height of 130 feet and maximum density of 10.0 FAR with the acquisition of transferable development rights ("TDRs"). The Applicant testified that the TDRs required to achieve a density of 10.0 FAR had already been acquired.
- a. The Applicant initially requested approval to construct a building to a maximum density of 10.49 FAR pursuant to Section 1709.24 of the Regulations, which authorizes PUDs in the Downtown Development Overlay Zone and receiving zones to achieve a maximum FAR of 10.5. Exhibits 2, 20.
 - b. After the hearing and in response to direction from the Commission regarding the applicability of housing linkage to the Project, the Applicant requested that the Commission either (a) reduce the total housing linkage contribution by the full value of the TDRs required to achieve the additional 0.49 FAR, or (b) permit the Applicant to modify the application to eliminate the proposal to use TDRs to achieve the additional 0.49 FAR, and instead request the Commission utilize its discretion to approve the additional 4.9% increase in density (0.49 FAR) pursuant to Section 2405.3 of the Regulations. Exhibit 32.
24. The Applicant submitted evidence that the additional 4.9% increase in density was necessary to accommodate IFC's space needs and develop a building that integrates with the existing IFC headquarters from both an operational and design perspective. The Project is designed to seamlessly connect with the existing IFC headquarters starting at the second floor. A smaller building would either lack the direct floor to floor connections of the proposed PUD or result in a shorter building that would not be visually compatible with the existing IFC headquarters. The Applicant also indicated that the additional density is also needed to offset the housing linkage requirement of over \$2.6 million. Exhibit 32.
25. The Applicant initially requested no other flexibility from the Zoning Regulations in order to accommodate the proposed design of the Project. Exhibit 2. However, after the close of the hearing and in response to the Commission's request to restudy the proposed architectural embellishment, the Applicant eliminated the architectural embellishment and modified the design to step down the front portion of the roof structure. Accordingly, in the Applicant's posthearing submission, the Applicant requested flexibility to permit a roof structure with varying heights. Exhibit 32.
26. The Applicant also requested customary flexibility to modify the design details of the Project as is set forth in the conditions of approval.

Project Amenities and Public Benefits

27. As detailed in the Applicant's testimony and written submissions, the proposed Project will implement the following project amenities and public benefits:

- a. Exemplary urban design, architecture, and landscaping, including high-quality materials, pedestrian-oriented streetscape improvements, clear separation of pedestrian and vehicular entrances and circulation patterns, and sustainable features. Exhibit 2.
- b. Site planning and efficient land utilization, through the redevelopment of a strategic underutilized site located along K Street NW near the Foggy Bottom-GWU Metrorail station. Exhibit 2.
- c. Effective and safe vehicular and pedestrian access and transportation management measures, including a narrowed and relocated curb cut on 21st Street, 39 bicycle parking spaces within the building, a transit screen in the building in the office lobby, and showers and changing facilities for employees. Exhibit 2; Tr. July 31, 2014 at 28.
- d. Housing and affordable housing, through the direct contribution of \$2,639,582 to a housing trust fund, based on the formula set forth in Section 2404.7 of the Regulations. Exhibit 32. Although required, the housing linkage contribution would not otherwise be made under a matter of right project, and thus qualifies as a public benefit of the PUD. See 11 DCMR § 2403.6; see also Z.C. Order No. 13-04 at 9.
- e. Environmental benefits, through the development of a building to the equivalent of a Gold rating under the LEED-CS 2009 rating system. Exhibit 2.
- f. Uses of special value, including:
 - i. \$50,000 to the Foggy Bottom / West End Village for its Medical Advocacy Program.
 - ii. \$105,881 to Cultural Tourism DC for the planning, research, and graphic design for the development of the North Loop of the Foggy Bottom Heritage Trail.
 - iii. Community meeting space within the existing IFC headquarters, subject to certain restrictions.
 - iv. Approximately 4,000 square feet of retail space.

Exhibit 20.

Compliance with PUD Standards

28. In evaluating a PUD application, the Commission must “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects.” The Commission finds that the development incentives for the density and flexibility are appropriate and fully justified by the additional public benefits and project amenities proffered by the Applicant. The Commission finds that the Applicant has satisfied its burden of proof under the Zoning Regulations regarding the requested flexibility from the Zoning Regulations and satisfaction of the PUD standards and guidelines as set forth in the Applicant’s statement and the OP report. Exhibits 2, 23, 32.
29. The Commission credits the testimony of the Applicant and its architectural experts as well as OP, DDOT, and ANC 2A, and finds that the superior design, site planning, transportation planning, sustainable design features, housing and affordable housing, and uses of special value all constitute acceptable project amenities and public benefits.
30. The Commission finds that the Project is acceptable in all proffered categories of public benefits and project amenities, and is superior in public benefits and project amenities relating to urban design, landscaping and open space, housing and affordable housing, site planning, transportation planning, environmental benefits, and uses of special value to the neighborhood and District as a whole.
31. The Commission credits the testimony of OP and ANC 2A that the Project will provide benefits and amenities of substantial value to the community and the District commensurate with the additional density sought through the PUD. The Commission disagrees with the testimony of WECA that the proposed amenities package is inconsistent with the requirements of either the Zoning Regulations or the Comprehensive Plan.
 - a. First, all of the elements of the amenities package negotiated with ANC 2A—the medical advocacy program, the heritage trail, the community meeting space, and the retail space—will all be located within the boundaries of ANC 2A, as required by Section 2403.13.
 - b. Second, nothing in the portion of the Comprehensive Plan cited by WECA indicates a requirement that a majority of the benefits accrue to the community in which the PUD is located. All that the Plan requires is that a “substantial” part of amenities accrue to the affected community. Here, the amenities package consisted of hundreds of thousands of dollars of benefits and was specifically approved by ANC 2A, which indicates that the affected ANC concluded the package was adequately “substantial” for the community.
 - c. Third, the Zoning Regulations specifically provide that, in the case of off-site affordable housing, such benefit must be provided in accordance with the housing linkage provisions of the Zoning Regulations and D.C. law. 11 DCMR § 2403.14. Put another way, once the Commission concluded that housing

linkage was required, the Applicant was bound to provide such housing in accordance with the Zoning Regulations, and had no control over the amount of the contribution or the community that might benefit from it. The Commission credits the testimony of ANC 2A as well as OP that the amenities package is sufficient and significant, and reflected community preferences and priorities.

32. The Commission finds that the character, scale, mix of uses and design of the Project are appropriate, and finds that the site plan is consistent with the intent and purposes of the PUD process to encourage high quality developments that provide public benefits. Specifically, the Commission credits the testimony of the Applicant and the Applicant's architectural and transportation planning experts that the PUD represents a strategic use of a transit-oriented parcel located near a Metrorail station entrance.
33. The Commission credits OP's testimony that the impact of the PUD on the level of services will not be unacceptable.
34. The Commission credits the testimony of the Applicant's traffic consultant and DDOT and finds that the traffic, parking, and other transportation impacts of the Project on the surrounding area are capable of being mitigated through the measures proposed by the Applicant and are acceptable given the quality of the public benefits of the PUD.
35. The Commission credits the testimony of the Applicant and OP regarding the compliance of the Project with the District of Columbia Comprehensive Plan. The development is fully consistent with and furthers the goals and policies in the map, citywide and area elements of the Plan, including:
 - a. Designation of the Property as High Density Commercial use on the Future Land Use Map as well as provisions of the Framework Element that explicitly state that density and height gained through the PUD process are bonuses that may exceed the typical ranges listed in the Plan;
 - b. Land Use Element policies promoting redevelopment around Metrorail stations and concentration of commercial development in and around the Central Employment Area.
 - c. Economic Development Element policies supporting the major economic impact of the IFC and other World Bank Group organization as well as generally promoting additional office space in the downtown core.
 - d. Housing Element policies promoting funding for affordable housing;
 - e. Other policies in the Transportation, Environmental, and Urban Design Elements related to the Land Use policies and goals stated above;
 - f. Policies in the Near Northwest Area Element regarding location of commercial development away from residential neighborhoods and encouraging institutions to "build up" on existing property.

Agency Reports

36. By report dated July 22, 2014 and by testimony at the public hearing, OP recommended approval of the application subject to conditions. Exhibit 23. OP supported the height and massing of the Project as appropriate given the location in an intensely developed commercial area within close proximity to Metrorail and Metrobus. OP concluded that the PUD was not inconsistent with the Property's Policy Map and Future Land Use Map designations in the Comprehensive Plan and would further the Land Use, Housing, Economic Development, and Environment Elements. OP evaluated the PUD under the evaluation standards set forth in Chapter 24 of the Zoning Regulations and concluded that the Project's benefits and amenities package was appropriate given the size and nature of the PUD.
- a. OP requested that the Applicant agree to DDOT's proposed TDM measures, which the Applicant has agreed to do.
 - b. OP also requested that the Applicant agree to fulfill the housing linkage requirement, which the Applicant has agreed to do.
 - c. Finally, OP requested that the Applicant commit to enter into First Source Employment and CBE agreements. The Applicant indicated that it was unable to agree to these provisions because of the unanticipated financial burden of the housing linkage requirement. The Commission concludes that the First Source Employment and CBE agreements are not necessary here given the extent of the amenities package, the housing linkage requirement, and the limited flexibility requested by the Applicant.
37. By report dated July 21, 2014 and by testimony at the public hearing, DDOT recommended approval of the PUD. Exhibit 22. DDOT found that the site design would minimize impact on the external roadway network, the traffic analysis was sound, and the Project would generally facilitate multimodal access through proximity to transit and long-term bicycle parking. DDOT requested that the Applicant agree to install a transit screen in the office lobby and incorporate showers and changing facilities for employees within the office building, and the Applicant agreed to these conditions.

ANC 2A Report

38. At a regularly-scheduled and duly-noted public meeting on July 16, 2014, with a quorum present, ANC 2A voted to support the proposed PUD. Exhibit 24. The ANC concluded that the density sought was not incompatible with the surrounding area and had no objection to the design of the Project. The ANC noted that the Applicant reached out to the ANC early to discuss the PUD's amenities package, and concluded that the proposed package reflected a responsiveness to the community's goals that the value of the amenities be commensurate with the additional density being sought and the type of amenities proposed be responsive to the community's interest. ANC 2A conditioned its support on the Applicant's agreement to waive the requirement for photo identification

for use of the proposed community meeting space. The Applicant agreed to this condition.

Other Testimony

39. The West End Citizens Association submitted a letter that did not object to the Project but raised concerns regarding the proposed amenities package.
 - a. WECA argued that the proposed amenities package did not comply with the requirement that a substantial portion of the amenities accrue to the affected community. As set forth above, the Commission does not agree with WECA's claim.
 - b. WECA also requested that the Commission encourage the Applicant to provide funding for elevators for a second entrance to the Foggy Bottom-GWU Metrorail station. The Commission declines to do so here. OP and ANC 2A have already indicated that the amenities package is sufficient given the limited flexibility requested. Furthermore, as the Commission has already concluded, the cost of constructing a second entrance far exceeds any amount that could be realistically assembled through benefits and amenities associated with PUDs in the surrounding neighborhood. Z.C. Order No. 06-11G/06-12G at 21-22.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process provides a means for creating a "well-planned development." The objectives of the PUD process are to promote "sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities." 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.
2. Under the PUD process, the Commission has the authority to consider this application as a consolidated PUD. 11 DCMR § 2402.5. The Commission may impose development conditions, guidelines and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment. 11 DCMR § 2405.
3. The proposed PUD meets the minimum area requirements of 11 DCMR § 2401.1.
4. Proper notice of the proposed PUD was provided in accordance with the requirements of the Zoning Regulations.

5. The development of the Project will implement the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right standards. Here, the height, character, scale, mix of uses and design of the proposed PUD are appropriate, and the proposed construction of an attractive commercial office building that complements the design of the existing IFC headquarters and capitalizes on the Property's transit-oriented location is compatible with the citywide and area plans of the District of Columbia.
6. The Applicant seeks approval for an increase in density increase pursuant to Section 2405.3 as well as flexibility from the roof structure requirements.
 - a. The Applicant has met the burden of proof required by Section 2405.3 for approval of a 4.9% bonus density increase, which is essential to the successful functioning of the Project and consistent with the purpose and evaluation standards of Chapter 24 of the Zoning Regulations. The Commission was persuaded that the density was necessary to provide a building that meets IFC's space needs and integrates with the existing headquarters from a design and operational perspective.
 - b. The Commission has judged, balanced, and reconciled the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects, and concludes approval is warranted for the reasons detailed below.
7. The PUD is within the applicable height and bulk standards of the Zoning Regulations. The proposed height and density will not cause an adverse effect on nearby properties, are consistent with the height and density of surrounding and nearby properties, and will create a more appropriate and efficient utilization of land near the commercial core and near a Metrorail station. The proposed commercial uses are also appropriate for the site's location.
8. The project provides superior features that benefit the surrounding neighborhood to a significantly greater extent than a matter-of-right development on the Property would provide. The Commission finds that the urban design, site planning, efficient and safe traffic circulation, sustainable features, housing and affordable housing, retail, and other uses of special value all are significant public benefits. The impact of the project is acceptable given the quality of the public benefits of the Project.
9. The impact of the Project on the surrounding area and the operation of city services is not unacceptable. The Commission agrees with the conclusions of the Applicant's traffic expert and DDOT that the proposed project will not create adverse traffic, parking, or pedestrian impacts on the surrounding community. The application will be approved with conditions to ensure that any potential adverse effects on the surrounding area for the Project will be mitigated.

10. Approval of the PUD is not inconsistent with the Comprehensive Plan. The Commission agrees with the determination of OP and finds that the proposed project is consistent with the Property's High Density Commercial Designation on the Future Land Use Map and furthers numerous goals and policies of the Comprehensive Plan in the Land Use Element, Economic Development, Housing Element, and other citywide elements and policies as delineated in the OP Report.
11. The PUD for the Property will promote orderly development of the Property in conformance with the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
12. The Commission is required under D.C. Official Code § 6-623.04 to give great weight to OP recommendations. OP recommended approval, provided that the Applicant agree to DDOT's TDM conditions, agree to provide housing linkage, and agree to enter into a CBE and First Source Employment Agreement. The Commission concludes that the Applicant has addressed the first two conditions and that the third condition is unnecessary given the significant required housing linkage contribution and limited flexibility requested through the PUD. Accordingly, approval of the consolidated PUD should be granted.
13. In accordance with D.C. Official Code § 1-309.10(d), the Commission must give great weight to the written issues and concerns of the affected ANC. The Commission accorded the issues and concerns raised by ANC 2A the "great weight" to which they are entitled, and in so doing fully credited the unique vantage point that ANC 2A holds with respect to the impact of the proposed application on the ANC's constituents. ANC 2A recommended approval. Accordingly, the PUD should be approved.
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 of the District of Columbia orders APPROVAL of the application for consolidated approval of a PUD for the entirety of Square 74 ("Property"). This approval is subject to the following guidelines, conditions, and standards of this Order.

A. Project Development

1. This project shall be developed in accordance with the plans marked as Exhibit 20, Tab A and Exhibit 32, Tab A of the Record, as modified by guidelines, conditions, and standards herein.
2. The density of the Project shall not exceed a floor area ratio ("FAR") of 10.49.
3. The Applicant shall have flexibility from the roof structure requirements of the Zoning Regulations as shown on the approved plans.

4. The Property shall be used for any use permitted in the C-3-C Zone District provided that at least 4,000 square feet of gross floor area is set aside for retail or service uses.
5. The Project shall provide parking as shown on the approved plans, except that the Applicant shall be permitted to make alterations to the size and design of the underground parking garage, provided that the garage contains approximately 48 parking spaces, which requirement may be satisfied with any combination of accessible, full-sized, compact, valet, and tandem spaces.
6. The Project shall provide a minimum of 39 bicycle parking spaces within the building. The Project shall also include showers and changing facilities for office building employees.
7. The Project shall include a transit screen in the office lobby.
8. The Project shall provide loading as shown on the approved plans.
9. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - b. To vary final selection of the exterior materials within the color ranges and materials types as proposed based on availability at the time of construction;
 - c. To vary the final streetscape design and materials subject to review and approval by the appropriate District permitting authorities;
 - d. To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings, and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or to address the structural, mechanical, or operational needs of the building uses or systems;
 - e. To vary the number, size, location and design features of retail entrances and windows, including the size, location, and design of windows, doors, awnings, canopies, and similar features, to accommodate the needs of specific retail tenants and storefront design;
 - f. To vary the number, size, location, and other features of proposed building signage, provided that such signage is otherwise permitted under the applicable provisions of the District of Columbia Municipal Regulations;
 - g. To locate green roof on the existing IFC headquarters as well as on the roof of the Project; and

- h. To vary the height of the roof structure and the location of roof terrace doors, provided that the final design complies with the applicable maximum height and setback requirements.

B. Public Benefits

1. Sustainable Design. The Applicant shall submit with its building permit application a LEED checklist indicating that the Project includes sustainable design features such that the Project would be able to meet the standards for certification at a minimum of Gold rating on the LEED-CS 3.0 2009 rating system, although the Applicant is not required to seek such LEED Gold certification for the Project.
2. Community Meeting Space. The IFC shall continue to offer the ANC 2A and members of the community the opportunity to use IFC's auditorium for public events. IFC will absorb the annual cost required to cover electricity, security, heating, air conditioning, and ventilation services as needed for these events. To balance the IFC's security and use concerns, the following guidelines apply to use of the auditorium:
 - a. Events shall be limited to weekday evenings (after 6 PM) and weekends.
 - b. No more than two public events per month.
 - c. Advance notice of 30-60 days prior to scheduling of a public event.
 - d. Advance notice of 2 weeks will be given by IFC to an external user if their event comes in conflict with important IFC business functions and the user event must be rescheduled.
 - e. Security screening for public event participants, including magnetometer, x-ray, or bag inspection). ID verification shall not be required. Advance notice of the names of event participants is not necessary, but providing such names within 24 in advance of the event will facilitate the check-in process.
3. Contributions to Community Organizations. Prior to the issuance of a building permit, the Applicant shall demonstrate that it has provided the following public benefits:
 - a. Contribute \$50,000 to the Foggy Bottom/West End Village for its medical advocacy program.
 - b. Contribute \$105,881 to Cultural Tourism DC for the planning, research, and graphic design for the development of the North Loop of the Foggy Bottom Heritage Trail. This contribution shall be delivered prior to the issuance of a building permit for the Project.

Compliance with the above conditions shall be demonstrated by letters from the recipients listed above stating that the funding has been received and used towards the public benefits set forth above.

4. Housing Linkage. The Applicant shall contribute \$2,639,582 to the Housing Production Trust Fund managed by the D.C. Department of Housing and Community Development, or such other housing trust fund defined under Section 2499.2 of the Regulations. Consistent with Section 2404.9 of the Regulations, not less than one-half of the required total financial contribution shall be made prior to the issuance of a building permit, and the balance of the total financial contribution shall be made prior to the issuance of a certificate of occupancy.

C. Miscellaneous

1. No building permit shall be issued for this project until the owner of the Property has recorded a covenant among the land records of the District of Columbia between the owners 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 owner of the Property 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. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The application approved by this Commission shall be valid for a period of two (2) years from the effective date of this Order. Within such time, an application must be filed for the building permit as specified in 11 DCMR § 2409.1.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01, et seq. ("Act") and this Order is conditioned upon full compliance with those provisions. In accordance with the Act, the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, 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.