

June 22, 2006

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Hand Delivery

Sharon Schellin
D.C. Zoning Commission
441 4th Street, NW
Suite 210S
Washington, DC

Re: Zoning Commission Case No. 94-01A

Dear Sharon:

Enclosed please find the following items for your reference and inclusion in the record of the above-referenced case:

- 20 copies of Applicant's Proposed Order; and
- 20 copies of color photograph of materials samples board presented at the public hearing on June 1, 2006.

Thank you for your attention to this matter. Please contact me with any questions.

Sincerely,

Dennis R. Hughes
Dennis R. Hughes

Enclosures

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ZONING COMMISSION
District of Columbia

CASE NO. 94-01A
EXHIBIT NO. 25

ZONING COMMISSION ORDER NO. 684-D
Case No. 94-01A
Modification to Approved Consolidated Planned Unit Development
1331 L Street, NW
June 1, 2006

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on June 1, 2006. At that hearing session, the Zoning Commission considered an application from 1331 L Street NW, L.P., for modification to a previously approved planned unit development (PUD). The public hearing was conducted in accordance with the provisions of §3022 of the District of Columbia Zoning Regulations (11 DCMR).

FINDINGS OF FACT

By Order No. 684, the Zoning Commission granted approval of an application for a consolidated planned unit development ("PUD") and Zoning Map Amendment from HR/SP-2 to C-4 for Lot 96 in Square 247. Order No. 684 granted approval of a 110-foot tall, 9.25 FAR, mixed-use office/retail building to be located at 1331 L Street, NW. Façade design treatment and materials were to be consistent with plans made part of the official record of the case, with certain areas of flexibility provided to the applicant in terms of tower design, location and configuration of interior components, façade, window and balcony detailing, landscaping and exterior lighting. Final selection of exterior material samples was to be approved by the Zoning Commission. The Order became final and effective upon publication in the District of Columbia Register on March 1, 1991.

By Order No. 684-A, with an effective date of December 30, 1994, the Zoning Commission approved modification of certain of the conditions of the approved PUD pertaining to its off-site housing amenities. As part of this modification of the off-site housing amenities, the Zoning Commission required that funds in the amount of \$3,000,000 be paid to the Salvation Army for the construction of housing as part of a PUD at 1850 New York Avenue, NE. The Zoning Commission further required that at least \$500,000 be expended by the applicant, in consultation with Advisory Neighborhood Commission (ANC) 2F, on the provision of housing within the boundaries of ANC 2F. As provided at Exhibit C of the applicant's prehearing statement (Exhibit No. 3 in the official record), these funds have been provided and the off-site housing amenities required under the PUD have been satisfied.

By Order No. 684-B, with an effective date of March 22, 1995, the Zoning Commission extended the validity of the PUD approval, to December 30, 1999, within which time application must be made for a building permit.

By Order No. 684-C, with an effective date of June 6, 1997, the Zoning Commission extended the validity of the PUD approval, to December 30, 2009, within which time application must be made for a building permit. Construction is to commence not later than December 30, 2010.

JUN 22 2006

D.C. OFFICE OF ZONING

RECEIVED

Applicant's Proposed Order

By letter dated and received by the Zoning Commission on February 17, 2006, counsel on behalf of the applicant filed a request for a minor modification to the approved PUD relating only to updates proposed to the exterior design of the approved building. No increase in any aspects of the previously approved zoning envelope were requested nor reductions in any setbacks or off-street parking provided. No changes were proposed to the off-site housing amenities provided as part of the approved PUD

The District of Columbia Office of Zoning referred this matter to the District of Columbia Office of Planning for analysis and recommendation. By memorandum dated March 3, 2006, and received into the official record on March 7, 2006, the Office of Planning indicated its support for the modified project and recommended that the Zoning Commission set the application for a public hearing.

Advisory Neighborhood Commission 2F submitted a letter to the Zoning Commission dated March 5, 2006, and received into the official record on April 19, 2006, indicating support for the modification and recommending that the Zoning Commission approve the requested modification.

By memorandum dated March 3, 2006, and received into the official record on May 22, 2006, the Office of Planning recommended approval of the modification application. The Office of Planning noted that the request was consistent with a number of elements of the District of Columbia Comprehensive Plan. The Office of Planning further stated that the proposed design modification responds extremely well to the project site's mid-block location with exceptional emphasis at the street and alley level, and that the attention to detail regarding the height and massing of the tower, the passive use of the tower, restrictions on lighting of the tower and treatment of the area of the roof level, respond equally well to the comments raised by the Zoning Commission when determining to set down the application for public hearing.

Upon notice pursuant to §3015 of the Zoning Regulations, the Zoning Commission held a public hearing on June 1, 2006, and received testimony from the applicant and the Office of Planning. No other parties or persons testified at the public hearing.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, including the testimony received at the public hearing, the Zoning Commission concludes that the PUD, as proposed to be modified, is consistent with the intent of the previously approved PUD. Further, the Zoning Commission concludes that approval of the requested modification is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

Approval of the modification to the approved PUD also is not inconsistent with the District of Columbia Comprehensive Plan (10 DCMR). Further, the modification does not impact material elements of the PUD, including use, height, gross floor area, or parking, nor does the modification propose any reduction in the off-site housing amenities package, which was earlier approved and has been fully satisfied.

DECISION

In consideration of the Findings of Fact and Conclusions of Law provided herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the application for modification of an approved PUD for Lot 96, Square 247, at 1331 L Street, NW. The approval of this modification to the design of the PUD, as an alternative to the previously approved design for the PUD, is subject to the following guidelines, conditions, and standards:

The project shall be constructed either in accordance with the plans approved as part of Zoning Commission Order 684 or this order (684-D). If the project is constructed pursuant to this order, it shall be constructed in accordance with the plans marked as part of Exhibits 18 and 24 of the official record. Approved building materials shall be consistent in general color and appearance to those represented in the official record. The roof area of the PUD shall be limited to passive activities and the tower feature of the PUD may not be lighted.

Pursuant to §2409.3 of the Zoning Regulations, the applicant shall record a notice of modification of Zoning Commission Order No. 684 among the land records of the District of Columbia. After recordation of the notice of modification, the applicant shall provide a copy of same for the records of the Zoning Office.

The PUD modification, as an alternative to the previously approved PUD, shall be valid until December 30, 2009, by which time application for a building permit must be filed.

This order was adopted by the Zoning Commission at the end of the public hearing on June 1, 2006, by a vote of 4-1-0 (Carol J. Mitten, Anthony J. Hood, Greg Jeffries, Michael Turnbull to adopt, John G. Parsons opposed)

In accordance with the provisions of §3028.8 of the Zoning Regulations, this order shall become final and effective upon publication in the D.C. Register; that is, on

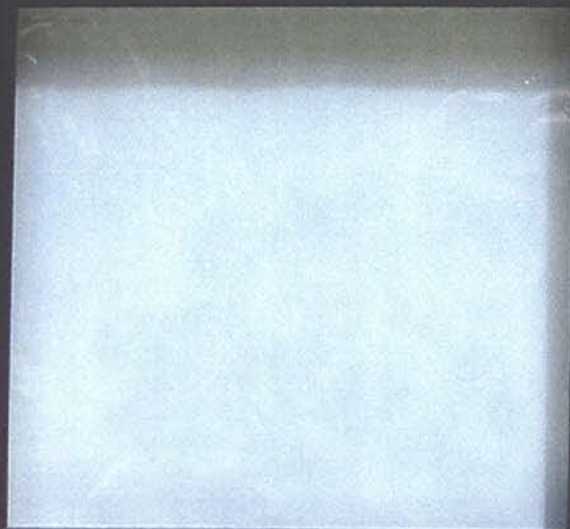
_____.

CAROL J. MITTEN
Chairperson
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning

1331

L Street, NW



BUILDING GLASS



ACCENT GLASS



LIMESTONE



PRECAST CONCRETE



GRANITE



ALUMINUM

IRI

ARCHITECTURAL

GROUP