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April 28, 1999

D.C. Zoning Commission
441 4th Street, N.W., Room 210
Washington, D.C. 20001

Re: Zoning Commission Case No. 98-14C
The Solar Building - PUD and Rezoning

To the Members of the Commission:

Enclosed pleased find Proposed Findings of Fact and Conclusions of Law that we have prepared in connection with the above-referenced Application. Please do not hesitate to contact the undersigned, if you have any questions.

Very truly yours,

Whayne S. Quin

Whayne S. Quin

Allison C. Prince

Allison C. Prince

Steven E. Sher, Director of Zoning Services

DISTRICT OF COLUMBIA
'99 APR 28 P4:39

Enclosure
cc: Mr. Alberto P. Bastida, Office of Planning
ANC 2B
Presidential Owners, Inc., c/o Ms. Carol J. Mitten

ACP/slr/123005

ZONING COMMISSION
CASE No. 98-14C
EXHIBIT No. 88

ZONING COMMISSION
District of Columbia
CASE NO.98-14C
EXHIBIT NO.88

5/3/99

ZONING COMMISSION ORDER NO. ____
Case No. 98-14C
Consolidated Rezoning and Planned Unit Development
for the
Solar Building
1001-1010 16th Street, NW
Square 184, Lots 842 and 59

'99 APR 28 P3:20

JBG/6006 Limited Partnership applied on June 29, 1998 for a Consolidated Rezoning and Planned Unit Development of the captioned property. The applicant filed a prehearing statement on October 22, 1998. The Dupont Circle Advisory Neighborhood Commission held public hearings on the application on November 11 and December 9, 1998 and on the latter date voted 7-0 to oppose the application. The Zoning Commission convened at 7:00 pm on Thursday, December 17, 1998 to consider the application and to hear testimony of the applicant and the public.

At its public meeting on January 11, 1999, the Commission deliberated and concluded that it required additional information (from the parties) on four topics: alley access versus 16th Street access to the garage, the appropriate SP-2 zoning boundary relative to 16th Street, exterior design, and landscaping features. The Applicant and Parties were invited to address these four only items at a "further hearing" scheduled for March 25, 1999.

At the "further hearing," the Commission heard testimony that addressed only the four enumerated topics. Upon completion of testimony, the Commission decided that the Applicant and the community should meet and seek to resolve the contended issues. A report of the results of this meeting was due to the Commission by April 5, 1999.

The Applicant, Parties, and other members of the community convened on April 1, 1999. ANC-2B and the Presidential Apartments (each a party to the case) and other community members on the record, presented a "Proposed Consensus Memorandum and Position Paper" that contained five key elements, including its compromise on the placement of the SP-2 zoning boundary line in relation to 16th Street, NW.

The Applicant and community reached general agreement on three points of the Consensus Memorandum. The Applicant and community disagreed on the appropriate access to the garage; the Applicant rejected the community's compromise on the placement of the zoning boundary.

ZONING COMMISSION
CASE No. 98-14C
EXHIBIT No. 88

SUMMARY OF CONTENTS

Section(s)	Topic
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4- 6	The L'Enfant Plan
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	CONCLUSIONS OF LAW
	"Proposed Consensus Memorandum and Position Paper"

FINDINGS OF FACT

1. For purposes of this rezoning and PUD application, the Solar Building is identified as Lots 842 and 59 in Square 184, in the Northwest quadrant of the District of Columbia. The improvements have been assigned the postal address of 1000-1010 16th Street, NW.

2. The Solar Building has 155.92 feet of frontage on 16th Street, NW and 144.58 feet of frontage on K Street, NW.

3. The Solar site contains 20,111 square feet of land and is split-zoned. Of the total land area, 11,993 square feet (60%) are zoned SP-2 and 8,118 square feet (40%) are zoned C-4. The applicant proposes to rezone the site so that the SP-2 zone would contain 3,118 square feet (15%) and the C-4 component would contain 16,993 square feet (85%).

   The depth of the SP-2 zone at the Solar Building site varies between 106.50 feet and 45.00 feet. The average depth of the SP-2 zone is 76 feet. The applicant seeks to reduce the average depth of the SP-2 Zone to 20 feet.

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4. The **L'Enfant Plan** is the seminal document in the planning and development of the Federal City. The Plan has numerous contributing elements including Major Streets and Vistas. The entirety of 16th Street, NW between Lafayette Square and Florida Avenue is deemed a Major Street; and the 16th Street Vista, north of the White House, is a contributing element of the L'Enfant Plan.

5. The entirety of the L'Enfant Plan is of historical consequence and has been so recognized by the U.S. Government. In March 1997, the National Park Service, as authorized agency of the U.S. Department of Interior, placed the L'Enfant Plan for the City of Washington on the National Register of Historic Places.

6. No referral has been made to the D.C. Historic Preservation Review Board for comment on the application and its impact on a Major Street and Vista, within the context of the L'Enfant Plan.

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7. The entirety of 16th Street, NW, between Lafayette Square and Scott Circle, is identified as Lower 16th Street.

8. The **Comprehensive Plan** establishes land use guidelines within the District of Columbia, and the Comprehensive Plan establishes Special Treatment Areas at locations where uniquely tailored land use solutions are necessary. Lower 16th Street is designated a Special Treatment Area within the Comprehensive Plan. Policies for Lower 16th Street include protection and enhancement of the special character of this approach to the White House and Lafayette Park.

9. The District of Columbia Office of Planning (OP) issued its "General Review and Update of the Special Purpose (SP) Zones: Text and Map Amendments" on April 4, 1997. The OP Document indicates that Lower 16th Street is designated a Special Street in both the local and federal elements of the Comprehensive Plan and Lower 16th Street is designated a Special Treatment Area in the Comprehensive Plan.

10. The Generalized Land Use Map is part of the Comprehensive Plan and is color coded to illustrate the text of the Comprehensive Plan. In April 1997, OP noted inconsistencies between the text of the Comprehensive Plan and the Land Use Map, and suggested a map amendment. Without the amendment, the Land Use Map did not differentiate the character of Lower 16th Street from the C-4 streets to the east and to the west.

11. In December 1998, the City Council amended the land use map to appropriately differentiate Lower 16th Street from adjacent streets: "The frontages on both sides of 16th Street, N.W., between Scott Circle, N.W. and I Street, N.W. are included in the mixed-use, high-density residential and medium-density commercial land use category." (Section 1139.15) A density of 6.0 FAR typically is associated with high-density residential uses, while 3.50 FAR is associated with medium-high-density commercial uses.

    The applicant proposes to develop the site to a total density of 200,001 square feet, which equates to 9.94 FAR (200,001 sf / 20,111 sf). This proposed density is inconsistent with the Comprehensive Plan and Generalized Land Use Map.

12. The application to rezone the SP-2 portions of the Solar site and introduce high-density office uses to Lower 16th Street is inconsistent with the special character of Lower 16th Street, as articulated in the L'Enfant Plan, the Comprehensive Plan, and the amended Generalized Land Use Map.

13. The Presidential Owners, Inc., ANC-2B, and the Committee of 100 each cautioned that approval of an application to rezone Lower 16th Street will establish a precedent that will change the scale and character of an extraordinary street. Other property owners will seek to design and redevelop their properties to the height, scale and density achieved by the Solar Building, if approved. Such an eventuality has already been established by the recent proposal to permit an additional floor to the Hay-Adams Hotel at 16th and H Streets.

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14. The Comprehensive Plan is comprised of the **District Elements** and the Federal Elements, which together establish broad goals and policies that influence development in the Federal City. Of the eleven District Elements, four have relevance in terms of the Solar Building application. They include: Urban Design Element (Chapter VII), Preservation and Historic Features Element (Chapter VIII), the Downtown Plan Element (Chapter IX) and the Land Use Element (Chapter XI).

15. Within Chapter VII, the **Urban Design Element**, among the first articulated objectives is: " respect the L'Enfant Plan so that it remains a positive guiding force for future development within the District." (Section 702.1-d)

16. Another Urban Design Element addresses objectives for the built environment: "Strengthen and enhance the physical image and symbolic qualities of the District that establish its character as the Nation's Capital." (Section 707.2-a) The width of the Lower 16th Street right-of-way reflects symbolic significance of the north vista and approach to the White House. The uniformity of the 90-foot building height limit along 16th Street reflects, in part, the symbolic cohesion of the 16th Street vista.

17. Objectives for areas of "Strong Architectural Character" are part of the Urban Design Element. Policies include: "...respect (for) the boundaries of areas having strong architectural character, both to preserve the continuity of these areas, and to prevent inappropriate encroachment." (Section 710.2-a) The proposed incursion of the C-4 zone to within 20 feet of 16th Street constitutes an "inappropriate encroachment" into Lower 16th Street.

18. The "Streetscape Objective" of the Urban Design Element articulates several policies, including: "...reduce conflicts between pedestrians and vehicular traffic in order to increase pedestrian safety and comfort." (Section 709.2-b)

    The application to rezone most of the Solar site to C-4 is incompatible with several of the objectives articulated in the Urban Design Element of the Comprehensive Plan including: respect for the L'Enfant Plan, regard for the physical image and symbolic qualities of the District, and respect for areas of strong architectural character.

19. Within Chapter VIII, **Preservation and Historic Element,** numerous policies are articulated in Section 805, including: "...the landscaped green space on publicly owned, privately maintained front and side yards in historic districts and on historic landmarks should be preserved. Special care should be taken to protect these historic green areas from being paved over for vehicular access and parking." (Section 805.6) Neither the Solar Building nor Lower 16th Street has received an historic designation, but the green space is fundamental to the special character of Lower 16th Street; its Special Treatment status warrants a regard for the green space, on par with that afforded an historic district.

20. Chapter VIII also articulates policies for Special Streets: "The visual quality of special streets and places should be carefully controlled and coordinated.....Parking areas, driveways, or service areas should be carefully controlled, located, and designed to avoid adverse impact." (Section 807.6)

21. Chapter IX addresses the **Downtown Plan Elements** with a mix of general policy directives and neighborhood-specific guidelines. Section 917 addresses parking in Downtown: "Prohibit or restrict parking entrances directly onto pedestrian-oriented and critical access streets, and instead require or encourage access to off-street parking facilities through public alleys." (Section 917.2-j) The applicant proposes to rely not on existing public alleys for garage access, but instead to use green space and sidewalks, with queues along 16th Street; this is contrary to policy.

22. In part, Chapter XI, the **Land Use Element**, identifies twelve Special Treatment Areas, and articulates policies for those areas. Lower 16th Street is identified as a Special Treatment Area (Section 1120), with policies that include:

    a. Protect and enhance the special character of this approach to the White House and Lafayette Park;
    b. Develop urban design and architectural features criteria that enhance the area;
    c. Encourage uses that are appropriate to maintain the appearance and character of this area;
    d. Retain existing hotel uses, *by allowing and encouraging expansion of those uses, including the addition of one floor, approximately sixteen feet in height, to the Hay Adams Hotel.* (Text in italics added in December 1998.)

    All parties in opposition to the application concluded that the Applicant's proposal to reduce the SP-2 zone from 60% of the Solar site to 15% of the site, to introduce building heights in excess of 90 feet, and to convert green space to a parking ramp, are at odds with the character of Lower 16th Street and its Special Treatment status.

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23. Section 107.5 of the Zoning Code addresses **Zoning Boundary Lines** and indicates that "zone district lines shall be intended to follow existing lot lines...," that is, lot lines that existed as of May 12, 1958. To alter the zoning line within Lot 842 to follow an arbitrary line is inconsistent with the Zoning Ordinance. Similarly, it would be inconsistent with the Ordinance to introduce a zoning boundary within Lot 59, where none presently exists.

24. Section 107.4 of the Zoning Code addresses the depth of a Zoning district, when configured as a strip that parallels an opened or unopened street. "...[T]he width of this strip, unless delimited by lot lines or otherwise dimensioned, shall be assumed to be 100 feet measured at a right angle from the nearest street to which it is parallel or adjacent." The applicant's proposal to reduce the depth of the SP-2 zone to 20 feet along Lower 16th Street is inconsistent with the general minimum standards of Ordinance.

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25. The **SP Zones** have served as conservation zones of built-up areas rather than as a zone to accommodate major new development. The SP Zones are mapped in a number of locations that are historic districts, and are areas of special design character, or abut such areas.

26. Section 500.3 of the Zoning Code indicates that: "The SP District is designed to preserve and protect areas adjacent to commercial district that contain a mix of row houses, offices, and institutions at a medium to high density, including buildings of historic and architectural merit." The entirety of Lower 16th Street is zoned SP-2. Its row houses, between M Street and Rhode Island Avenue are within the Dupont Circle Overlay District; two churches are situated at H and I Streets, with St. John's being a contributing structure within the Lafayette Square Historic District; residential uses are located at Massachusetts Avenue, between L and M Streets (the University Club) and at L Street (the Presidential Cooperative Apartments); cultural and educational uses include the National Geographic Society and the Very Special Arts Charter School, both of which are between L and M Streets; labor unions and professionals have offices along the entire length of Lower 16th Street; five hotels are situated along Lower 16th Street, with the Hay-Adams being a contributing structure within the Lafayette Square Historic District and the St. Regis (former Carlton) Hotel being individually designated on the National Register of Historic Places. The diversity of uses that exists along Lower 16th Street is precisely attributable to the SP Zoning. Such diversity does not thrive in the C-4, high-density office zone.

27. Along the 16th Street frontage of the project, the existing SP-2 zone has a depth of 45.0 feet before widening to a depth of 106.5 feet. The average depth of the SP-2 zone at the Solar Building currently is 77.37 feet (11,993 square feet divided by 155.92 feet of frontage). The Applicant proposes to reduce the SP-2 zone to a uniform depth of 20 feet along the entire 155.92 feet of 16th Street frontage of the site.

28. At other intersections along Lower 16th Street, NW the depth of the SP-2 zone varies between 83 feet and 137 feet.

29. The SP-2 zone is a mixed-use classification, with total density not to exceed 6.00 FAR; the commercial component of that density may not exceed 3.50 FAR. The C-4 zone is a high-density commercial classification, with a maximum allowable density of 10.00 FAR on streets at least 110 feet wide.

30. Under PUD guidelines, the by-right density in both the SP-2 and the C-4 zones is increased. The permitted commercial in the SP-2 zone is increased 29% from 3.50 FAR to 4.50 FAR; the allowable density in the C-4 zone is increased 5% from 10.00 FAR to 10.50 FAR.

31. If the Solar site were vacant, the current zoning would permit a by-right density of 123,156 square feet of commercial density; this equates to 6.12 FAR. Under the PUD guidelines, if the Solar site were vacant, total commercial density on the site could be increased to 139,208 square feet; this equates to 6.92 FAR.

32. The existing improvements on the Solar site have a total commercial density of 158,323 square feet; this equates to 7.87 FAR. The in-place density of the existing improvements on the Solar site is 14% greater than the 6.92 FAR than is permitted under the PUD guidelines for the site, as if vacant.

33. The applicant proposes to renovate and enlarge the Solar Building to occupy a total density of **200,001** square feet; this equates to 9.94 FAR which is entirely allocated to commercial uses. This requested density is 44% greater than permitted under the PUD guidelines for the site (200,001 sf / 139,208 sf) and 26% greater than the existing density (200,001 sf / 158,323 sf).

34. Several buildings along Lower 16th Street have been renovated in recent years, including the headquarters of the AFL-CIO, the American Chemical Society, the National Educational Association and the Marriott Courtyard Hotel (former National Rifle Association). In each case, substantial renovations were accomplished without rezoning or building height increases. The Applicant did not indicate that any economic hardship would result from denial of this application.

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35. The Applicant proposes to adapt portions of the two existing basement levels of the Solar Building to underground parking. The requested garage access would be from 16th Street, via an access ramp across existing green space. The garage would have a capacity of 45-95 spaces. The proposed garage access from Lower 16th Street is contrary to existing policies for Special Streets, as articulated in the District and Federal Elements of the Comprehensive Plan.

36. The Applicant's design for the parking garage conflicts with the Urban Design and Historic Preservation Elements of the Comprehensive Plan that pertain to the use of green space, and direct access from congested streets. Reliance on available public alleys is recommended in these Elements. The applicant's traffic consultant ignored the judgement of the BZA in 1955 (#4297) that the intersection of 16th and K Street was (even then) too congested an intersection for direct garage access onto 16th Street.

37. Although the Applicant, through its traffic expert, suggested that the existing alley system is too congested to provide access for parking, the proposed design includes access for up to fourteen vehicles through the valley. The department of Public Works did not report any prohibition on alley access for the parking garage.

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38. Everett C. Carter, PhD, is professor of civil engineering, at the University of Maryland. Dr. Carter testified on behalf of The Presidential and critiqued the traffic analysis of the Applicant (prepared by Gorove/Slade Associates). Dr. Carter noted deficiencies in the capacity analysis of the existing roads, a lack of discussion of other developments in the vicinity, an untenable presumption that neither existing nor proposed retail uses will impact traffic; and a notable silence on the presence of a bus stop and pedestrians along 16th Street. The 16th Street intersections at L and K Streets currently are over-saturated. The proposed enlargement of the Solar Building will add to rush-hour conditions that already are rated "F."

39. George F. Oberlander, AICP, testified as a planning expert on behalf of The Presidential; Mr. Oberlander retired in September 1996 after a distinguished career with the National Capital Planning Commission. Mr. Oberlander recommended that the application be rejected because: it would subvert the intent of the SP Zone along Lower 16th Street, violate public policies for Lower 16th Street as articulated in the Comprehensive Plan; and be contrary to Z.C. Order 97-7, wherein the Zoning Commission in November 1997 reaffirmed the importance of maintaining the SP-Zone character along Lower 16th Street.

40. Desmond P. Foynes, MAI, testified as a valuation expert on behalf of the Presidential Co-Owners. Mr. Foynes also is a co-owner of the cooperative apartment building. The Applicant seeks an additional 41,678 square feet of office density for the site. Mr. Foynes testified that the private benefit associated with this density is between $2,000,000 and $4,000,000. By comparison, the Applicant will contribute toward the construction/ renovation of 6,000 square feet of housing in Marshall Heights, make a contribution to the library of Ross Elementary School, plus other enumerated public benefits. The private benefits far outweigh the public benefits.

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41. The Presidential is a cooperative apartment building at 1026 16th Street, NW. The co-owners have a board of directors, and on November 24, 1998 the Board unanimously voted 5-0 to oppose the application to re-zone the Solar Building.

42. The Dupont Circle Advisory Neighborhood Commission (ANC-2B) heard presentations from the Applicant and comments from citizens at its November and December 1998 meetings. At the December 9, 1998 meeting, the seven Commissioners voted unanimously to oppose the application to rezone the Solar Building site.

43. In its motion, ANC-2B noted that: "the proposed change in zoning would convert nearly all of the Solar Building site to C-4 and permit an increase in height from the 90' limit imposed by the SP-2 zone to the 130' permitted in the C-4 zone. The change would constitute an incursion of the C-4 zone into the Lower Sixteenth Street area."

44. The ANC-2B motion also noted: "The parking garage entry from Sixteenth Street was previously denied for the Solar Building in 1955 and was deemed inappropriate both for Sixteenth Street and for this busy intersection. This intersection remains one of the busiest in the downtown area. It is a major intersection/transfer point for north/south and east/west bus lines; the applicant has not addressed the conflict of the bus stop and the garage entrance."

45. Also, ANC-2B noted: "The proposed garage entry is across public space which currently include green space between the existing sidewalk and the existing Solar building. This public space would be surrendered for private use. Pedestrian sidewalk safety would also be challenged."

46. The trustees of The Committee of 100 on the Federal City convened on December 10, 1998 and voted unanimously to oppose the application to rezone the Solar Building. Jim Nathanson testified on behalf of The Committee and noted that: "the proposal before you represents the worst in planning and spot, ad-hoc zoning practices that too often rear their ugly head in the District of Columbia, and represents practices that require constant vigilance by those interested in the valid planning and aesthetic values that enhance living and working in the District of Columbia."

47. The Executive Board of the Dupont Circle Citizens Association (DCCA) voted to oppose the application to rezone the Solar site. In its December 11, 1998 letter to the Commission, DCCA noted that: "On almost all counts this proposal denigrates this special status [of Lower 16th Street]."

48. The D.C. Cooperative Housing Coalition has a membership representing approximately 8,000 housing cooperative owners. In December 1998, its Board of Directors voted to oppose the application to rezone the Solar site. In its correspondence to the Commission, their president noted that the application to: ".... add height and density to this very visible intersection would, we believe, alter the charm and character of the street and diminish the aesthetic quality of the other buildings in the neighborhood, which compliment each other as opposed to visually competing with one another."

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49. Before concluding its Public Hearing of January 11, 1999, the Commission requested additional information from the parties on four topics: 1) the possibility of parking garage access from the alley; 2) consideration of a greater setback of the zoning boundary from 16th Street; 3) finalize proposed materials and design on the building exterior; and 4) revisit the landscape plan.

50. On March 25, 1999, the Commission re-convened for its further hearing. As a preliminary matter, letters from Council Members Phil Mendelson and Jack Evans had been received by the Commission. The Commission indicated that each Council Member must formally request a waiver of its rules, before being admitted to the record. Each Council Member opposes the re-zoning application and each subsequently submitted the appropriate waiver request.

51. Carol Mitten testified that within four blocks of the Solar Building she identified seventeen examples of parking garage entrances that are accessible from alleys less than 20 feet in width; she also noted that the Applicant's floor plans actually indicate an intention to use the alley for access to first floor parking.

Ms. Mitten noted that, although several Commissioners had requested a setback of approximately 40 feet from 16th Street for floors 9 through 11, the revised plans indicate a setback of only 25 feet.

Ms. Mitten noted that drawings indicate that the number and placement of retail entrances on 16th Street is at the discretion of the developer. As a result, the final appearance of public green space along 16th Street remains at the discretion of the Applicant and future owners of the property. The community opposes retail uses along 16th Street and any reduction in the green space that contributes to the character of Lower 16th Street.

52. Dr. Everett Carter addressed parking and traffic. He edified the Commission regarding the adequacy of a 15-foot-wide public alley to access underground garages. He noted that many residential streets are 32-feet-wide, divided between parking lanes and roadway; the roadway in many neighborhoods is 16-feet wide and accommodates two-lane traffic. Dr. Carter noted that use of the alley could be improved by use of directional signs and by better ticketing and towing of parked vehicles.

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53. After discussing the facts of the case at the March 25, 1999 "further hearing," the Commission instructed the Applicant and the community to convene in order to seek areas of agreement and/or compromise on the application.

54. The Applicant and community representatives convened for two hours on April 1, 1999. Community representatives included a representative of Council Member Jack Evans; ANC-2B Commissioners Kyle Pitsor and Meredith deHart; Jim Nathanson for the Committee of 100; and Carol Mitten, Desmond Foynes, and Gordon Tanner for The Presidential.

55. The community arrived with a "Proposed Consensus Memorandum and Position Paper" on the Rezoning and PUD application, a signed copy of which is attached hereto. The Applicant and the community reached general agreement on Items #2, #4, and #5.

The community remains opposed to garage access from 16th Street when a viable alternative exists through the alley; the Applicant continues to propose garage access from 16th Street.

The community significantly compromised its position on the zoning boundary line as follows: the SP-2 portion of the site could be reduced from 11,993 square feet (60%) to 7,015 square feet (35%); and, the average depth of the zone would be reduced from approximately 76 feet to 45 feet. The community's fundamental premise, for this Application only, is that the depth of the SP-2 zone along 16th Street should not be narrower than its now narrowest depth, namely 45 feet for this parcel.

Since its October 1998 proposal, the Applicant has not revised the depth of the SP-2-zoned parcel along 16th Street (from the proposed 20 feet); Commissioners and community members alike have consistently voiced concern regarding the depth of this SP-2-zoned parcel as proposed in this Application.

CONCLUSIONS OF LAW

1. The rezoning and PUD application is incompatible with the designation of Lower 16th Street as a Major Street, and a contributing element of the L'Enfant Plan.

2. The rezoning of the site from predominantly SP-2 to predominantly C-4 is incompatible with the Comprehensive Plan, and Council-ratified amendments to the General Land Use Map.

3. The appropriation of 16th Street green space for a garage access ramp is incompatible with several elements of the Comprehensive Plan, and contrary to the judgment and decision of the BZA in 1955.

4. Section 107.3 of the Zoning Code specifies that zoning boundary lines are to be drawn in relation to lot lines that existed as of May 12, 1958 and not in an arbitrary manner.

5. Section 107.4 of the Zoning Code indicates that when a zoning district is configured as a strip that parallels a street, the width of the strip shall be 100 feet, unless delimited by lot lines or otherwise dimensioned.

Vote of the Zoning Commission, taken at its public meeting on May ___, 1999:

_____

_____.

The consolidated rezoning and PUD application of the Solar Building, identified as Lots 842 and 59, in Square 184 and assigned the postal address of 1000-1010 16th Street, N.W. is **DENIED** by the Zoning Commission, at its public meeting on May ____, 1999 by a vote of _____.

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

_____	_____
Jerrily Kress	Sheri M. Pruitt-Williams
Chairperson	Interim Director
Zoning Commission	Office of Zoning