

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**

**ZONING COMMISSION ORDER NO. 11-17**

**Zoning Commission Case No. 11-17**

**Adams Morgan Church Hotel, LLC**

**(Consolidated Planned Unit Development and Related Zoning Map Amendment for  
Square 2560, Lots 127, 872, and 875)**

**February 25, 2013**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held public hearings on September 6, September 13, October 10, and October 22, 2012, to consider amended applications from Adams Morgan Church Hotel, LLC, (along with successor entity Adams Morgan Hotel Owner, LLC, the "Applicant") for consolidated review and approval of a planned unit development ("PUD") and related Zoning Map amendment from the RC/C-2-B and R-5-B Zone Districts to the RC/C-2-B Zone District for properties in Square 2560 known as Lots 127, 872, and 875. The Applicant had initially requested that the properties be re-zoned to C-2-B. The Commission considered the applications pursuant to Chapters 1, 24, and 30 of the Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearings were conducted in accordance with the provisions of § 3022 of the Zoning Regulations. For the reasons stated below, the Commission hereby approves the Applications with conditions.

**FINDINGS OF FACT**

**The Applications, Parties, and Public Hearing**

1. On July 29, 2011, Adams Morgan Church Hotel, LLC, filed applications on behalf of First Church of Christ, Scientist, Washington, D.C. ("First Church"), owner of Lots 872 and 875 in Square 2560, and on behalf of Glancer Properties, LLC ("Glancer"), owner of Lot 127 in Square 2560 (Lots 127, 872, and 875, collectively, the "Property") for consolidated review and approval of a PUD and related Zoning Map amendment from a mix of RC/C-2-B and R-5-B to the C-2-B Zone District for the Property (collectively, the "Applications") to facilitate the preservation and redevelopment of the century-old First Church Building in the Adams Morgan neighborhood into the centerpiece and main entrance of a boutique hotel (the "Project").

2. By report dated November 4, 2011, the District of Columbia Office of Planning ("OP") recommended that the Commission schedule a public hearing for the Applications to allow the Commission and the community the opportunity to comment upon the appropriateness of the height, design, and other items raised in the OP report.
3. At its November 14, 2011 public meeting, the Commission determined to schedule the Applications for public hearing.
4. The Applicant filed its supplemental statement and request for hearing date with the Office of Zoning on April 30, 2012, and its prehearing statement on August 17, 2012, which prehearing statement included a revised Project design reducing the overall building height of the Project from approximately 92 feet to 81 feet.
5. On August 27, 2012, OP submitted a public hearing report to the Commission indicating compliance of the revised Project with certain elements of the District of Columbia Comprehensive Plan and Zoning Regulations yet expressing concerns of OP with regard to consistency of the Project with certain other aspects, particularly building height. OP concluded that at the 81 foot height then proposed by the Applicant, OP could not recommend approval of the Applications.
6. On August 29, 2012, Advisory Neighborhood Commission ("ANC") 1C, within whose boundaries the Property is located, submitted a letter and resolution in support of the Applications and detailing its position regarding the community benefits offered as part of the Project.
7. The District of Columbia Department of Transportation ("DDOT") submitted a memorandum to the Commission on August 29, 2012, along with a request to the Commission to waive the 10-day filing requirement of 11 DCMR § 3012 of the Zoning Regulations. The DDOT memorandum recommended approval of the Applications subject to certain conditions.
8. On September 4, 2012, the Applicant submitted further revised designs for the Project including a further reduction in the height of the Project to the roof not to exceed 72 feet measured from Euclid Street, N.W., and requesting that the Property be rezoned to RC/C-2-B, thereby making the entire Property subject to the Reed-Cooke Overlay. The Applicant also submitted a copy of an agreement executed by the Applicant and the Reed-Cooke Neighborhood Association ("RCNA"), the citizens association whose boundaries include the Property. Pursuant to the terms of that agreement, RCNA withdrew its party status application in opposition to the Applications and stated its support for the Project. As part of its submission, the Applicant requested that the Commission waive its rule requiring that no application be modified less than 20 days prior to public hearing. (11 DCMR §3013.8.)

9. OP submitted a supplemental report dated September 6, 2012, acknowledging the revisions made to the design of the Project and supporting the agreement reached between the Applicant and RCNA to address the consistency of the Project with the Comprehensive Plan and Zoning Regulations.
10. On September 5 and September 6, 2012, respectively, the Commission received letters of support for the Project from At-Large Councilmember Vincent Orange and from At-Large Councilmember Michael Brown and Deputy Mayor for Planning and Economic Development, Victor Hoskins.
11. The Commission acknowledges receipt into the Record of letters and petitions from individuals and organizations in support of the Applications as well as letters and petitions from those in opposition.
12. The Commission held a public hearing for the Applications on September 6, 2012. As a preliminary matter, the Commission considered the Applicant's September 4, 2012 request for waiver of the 20-day filing requirement regarding the revised drawings filed for the Project along with its agreement with RCNA. The Commission determined to continue the public hearing to September 13, 2012, in order to allow the Commission and interested members of the public to review revisions to the design of the Project submitted by the Applicant to the Commission on September 4, 2012. The Commission also directed the Applicant to make efforts to provide copies of the information to interested community stakeholders, including impacted Latino and Spanish-speaking communities.
13. On September 10, 2012, the Applicant submitted an additional package of materials, in English and Spanish, along with further updated Project drawings, to several community organizations and individuals who had indicated interest to the Commission regarding the Project.
14. At the September 13 continuation hearing, the Commission heard testimony from Ward 1 Councilmember Jim Graham in support of the Applications, and also from the Applicant, including representatives of First Church, the project architects and expert witnesses in land use and zoning, traffic analysis and management, and project economics. As a preliminary matter, the Commission considered multiple party status applications and granted party status to the Kalorama Citizens Association ("KCA") and Champlain Street Neighbors: Hotel Study Group ("CSN"). At the conclusion of the Applicant's presentation, the Applicant answered questions from the Commission and cross-examination from KCA. The hearing was continued to October 10, 2012, while the Commission directed the representatives of CSN to provide additional materials to support that organization's request for party status.

15. At the second continuation hearing, held October 10, 2012, the Commission determined to continue to allow CSN to participate as a party, and CSN cross-examined representatives of the Applicant and its expert witnesses. Testimony was also received from OP and DDOT in support of the Applications, followed by cross-examination of OP and DDOT by representatives of KCA and CSN.
16. A third continuation hearing was held on October 22, 2012. As a preliminary matter, the Commission denied a request by KCA and CSN to continue the proceedings because no authorized representative of ANC 1C was available for cross-examination. The Commission denied the request because there is no requirement that the ANC provide oral testimony. Pursuant to the ANC Act, the ANC submitted a written report, which the Commission must receive into the record and give “great weight.” Although there may be circumstances when the Commission would be required to strike written testimony when there is no opportunity to cross examine the author, the Commission does not believe that would be appropriate in this instance because the Commission must by law accept the ANC report. At this hearing, the Commission heard testimony from KCA and CSN as parties in opposition to the Applications. The Commission also heard testimony from a panel of persons in support of the Applications as well as a panel of persons opposed to the Applications, including individual members of CSN. The Commission determined to leave the record open to accept written rebuttal testimony from the Applicant, along with any response from the parties. The record was also left open for the Applicant to submit its closing statement and materials and for CSN to submit an exact but more legible replacement copy of its submission at Exhibit 141 of the record. For all other purposes, the record was closed. The Applicant provided the referenced materials on October 31, 2012, as the District of Columbia government offices were closed on October 29 and 30, 2012 as a result of a weather emergency. Included among the Applicant's post-hearing materials was an updated traffic analysis conducted by its expert witness on traffic analysis and management, which addressed late-night vehicular and pedestrian traffic in the immediate vicinity of the Project. The conclusion of the analysis was that the late-night traffic in the neighborhood did not exceed peak-hour calculations that had been undertaken, and therefore the Project would operate at an acceptable level of service at both peak hours and late-night hours.
17. On October 31, 2012, OP submitted a supplemental report in response to traffic issues raised by the opposition parties. (Exhibit [“Ex.”] 197). The report indicated that OP was deferring to DDOT, which would be providing a separate analysis.
18. On November 1, 2012, DDOT submitted a supplemental report (Ex.196), which is discussed in Finding 66. The Applicant submitted a response on November 7, 2012, which is discussed in Finding 67. (Ex. 198.)

19. On November 7, 2012, KCA submitted a response to the Applicant's rebuttal testimony, and draft conditions for the Commission to include in this order. (Ex. 201, 202.)
20. On November 7, 2012, CSN submitted what it described as its preliminary post-hearing submission, and a motion requesting that the Commission continue to leave the record open so it could submit its response to the Applicant's rebuttal and a more extensive post-hearing submission. (Ex. 199, 200.) CSN explained that it was hampered in providing these submissions because neither the Applicant's rebuttal nor the most recent OP and DDOT reports had been translated into Spanish. On November 8, 2012, the Applicant submitted a response to CSN's motion noting that the Commission had not directed it to submit a Spanish language translation of its rebuttal. (Ex. 203.) The Applicant submitted Spanish language translations of its rebuttal and other post-hearing documents on November 9, 2012. (Ex. 204.) On November 15, 2012, CSN submitted its "secondary" post-hearing submission. (Ex. 205.)
21. On November 19, 2012, CSN filed a motion requesting that the Commission postpone its deliberations on whether to take Proposed Action based upon a "recent signal that City officials want to meet and meaningful[ly] discuss the remaining issues." (Ex. 206.) The "signals" referred to were emails expressing a willingness to meet in response to requests to do so. The Applicant filed an opposition to the motion noting that the record was now closed and that "the assertion by Mr. Otten that he is pursuing certain audiences outside the Commission's public hearing process is not a basis upon which the Commission should delay consideration of this application. (Ex. 207.) Such would be the case in almost all applications before the Commission in which there is opposition."
22. CSN filed a reply to the Applicant's opposition even though the Commission's rules do not authorize such submissions (Ex. 208.)
23. At its November 19, 2012 public meeting, the Commission considered whether to re-open the record to receive the additional post-hearing filings, and CSN's motion to postpone the decision as preliminary matters. The Commission re-opened the record to receive all the post-hearing filings, except the CSN reply submission dated November 20, 2012 and marked as Exhibit 208. As noted, the Commission's rules do not permit such pleadings.
24. The Commission denied CSN's motion requesting postponement of the deliberations because the public has had ample opportunity to present their views to the Commission over numerous hearings, the record had been closed, and the matter was ripe for proposed action. Should it turn out that District officials wished to alter their support for the project, there would be time prior to final action for their views to be expressed
25. The Commission then deliberated and took proposed action to approve the Applications with conditions.

26. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The Executive Director of NCPC, by delegated action dated November 29, 2012, found that the Applications would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital, nor would it adversely affect any other federal interest. (Ex. 213.)
27. The Commission took final action to approve the Applications at its public meeting on February 25, 2013. The Commission simultaneously took final actions to adopt text amendments to the Overlay that authorized it to approve a PUD notwithstanding certain of the Overlay's use and area limitations.

### **The Property and Surrounding Area**

28. The Property is located in Square 2560 in the Adams Morgan neighborhood of Ward 1 in Northwest Washington. Square 2560 is a comparatively long square bounded generally on the north by Columbia Road and Euclid Street, N.W., on the east by Champlain Street, N.E., on the west by 18<sup>th</sup> Street, N.W., and on the south by Kalorama Road, N.W.
29. The Property consists of Lots 127, 872, and 875 in the northernmost portion of Square 2560. Lots 872 and 875 are owned by the First Church and contain a combined lot area of approximately 29,864 square feet. Lot 872 is improved with the First Church's century-old sanctuary (the "Church Building"), for which a District of Columbia landmark application is currently pending with the District's Historic Preservation Review Board ("HPRB"). Lot 875, to the immediate south of Lot 872, is vacant and utilized for surface parking. The southernmost of the three parcels comprising the Property is Lot 127, measuring approximately 12,419 square feet in lot area and improved with a four-story commercial building. Lot 127 is owned by Glancer. The existing commercial building on Lot 127 will be razed as part of the Project.
30. The total lot area of the Property is approximately 42,283 square feet. This land area exceeds the minimum area requirement of 15,000 square feet for a PUD in the proposed C-2-B Zone District established in 11 DCMR § 2401.1(c).
31. The Property fronts to its north along Euclid Street and Columbia Road, N.W., with a small triangular reservation known as Unity Park located immediately to the Property's north, framed by the intersections of Columbia, Euclid, and Champlain Streets.
32. Abutting to the south of the Property is property (Lot 809) that is currently improved with a two-story row building. South of that property are a series of taller, four- and five-story apartment buildings.



33. East of the Property, across Champlain Street, N.W., is the six-story, 70-foot-tall Cortland apartment building at the intersection of Champlain and Euclid Streets, and to its south, a series of two-story apartment buildings, partially exposed with basements and attics, set back approximately 25 feet from the property line.
34. To the west of the Property, across a roughly 15- to 20 foot-wide public alley cutting through Square 2560 in a roughly north-south direction, are a series of buildings fronting along 18<sup>th</sup> Street, N.W., one of two commercial axes of the Adams Morgan neighborhood, the other being Columbia Road.
35. According to the Comprehensive Plan's Future Land Use Map, the Property is designated for a mixture of Low-Density Commercial and Moderate-Density Residential uses, as are the commercial properties located to the west along 18<sup>th</sup> Street and to the north along Columbia Road, which are zoned C-2-B.
36. The Woodley Park/National Zoo/Adams Morgan Metrorail Station (Red Line), is located approximately 7/10 of a mile to the northwest of the Property, and the Columbia Heights Metrorail Station (Green/Yellow Lines) is located approximately 8/10 of a mile to the east of the Property. The Property and immediate neighborhood are served by a number of Metrobus and Circulator routes.

### **Existing and Proposed Zoning**

37. The Property is split-zoned, with Lot 872, the lot which contains the Church Building, zoned R-5-B, and the two southern lots, Lots 875 and 127, zoned C-2-B. These two commercially-zoned lots are also subject to the provisions of the Reed-Cooke (RC) Overlay District set forth in Chapter 14 of the Zoning Regulations.
38. The R-5 Zone Districts are general residence districts designed to allow flexibility of design by permitting in a single district all types of urban residential development, including single family dwellings, semi-detached houses, row dwellings, and apartments, if they conform to certain established height, density, and area requirements. The R-5 Zone Districts also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from more restrictive residential districts.
39. The maximum height permitted in the R-5-B Zone District is 50 feet. Residential development may achieve a maximum density of 1.8 floor area ratio ("FAR").
40. The underlying C-2-B Zone District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core, and permits high-density residential and mixed-use development. The C-2-B Zone District is a general commercial district, permitting a

broad range of retail, service and office uses, hotels, residential uses (single and multi-family), and many institutional uses. Height in the C-2-B Zone Districts is permitted to a maximum of 65 feet with no limit on the number of stories. The maximum height for a PUD in the C-2-B Zone District is 90 feet. A total building density of 3.5 FAR is permitted, however not more than 1.5 of that amount may be devoted to uses other than residential uses. A PUD in the C-2-B Zone District is permitted a maximum density of 6.0 FAR, of which no more than 2.0 may be non-residential. In the computation of gross floor area for a hotel, guestroom areas, and service areas are charged against the floor area ratio for “apartment house or other residential use,” as specified in 11 DCMR § 771.1 through 771.3. (11 DCMR § 771.7.)

41. The Reed-Cooke (“RC”) overlay provides a mechanism to protect existing residential uses and encourage small-scale business development uses while at the same time maintaining heights and densities at appropriate levels. Maximum height permitted in the RC Overlay shall not exceed 40 feet plus roof structures. (11 DCMR § 1402.1.) Nor may a PUD exceed the matter of right height, bulk, and area requirements of the underlying district. (11 DCMR § 1402.2.) Further, pursuant to 11 DCMR § 1401.1 and 1401.2, the proposed hotel use, and the accessory restaurant and cocktail lounge uses, are prohibited in the RC Overlay.
42. As noted, the Commission, at the same time as it took final action to approve this PUD also took final action in Z.C. Case No. 12-17 to approve conforming amendments to the Overlay. Those amendments authorized the Commission to grant this PUD notwithstanding the Overlay’s current use and area limitations. The notice of final rulemaking for Z.C. Case No. 12-17 was published simultaneously with this order. The Commission notes that the Applicant and RCNA undertook discussions regarding the potential appropriateness of the Project within the RC Overlay, leading to an executed agreement which contemplates these amendments. The agreement included restrictions on the restaurant and bar uses, which were included in the adopted amendments. The Commission also makes those restrictions a condition to its approval of this order and also included a condition, agreed to by the Applicant, to prohibit any nightclub use.

### **Nature of Project and Consolidated PUD**

43. The Applications before the Commission are for consolidated review of a PUD for a full-service boutique hotel, which has as its centerpiece the restoration and long-term preservation and adaptive reuse of the century-old Church Building, an aging and largely unutilized community landmark at the core of the Adams Morgan neighborhood. The Project contemplates the renovation of the Church Building as the main entrance, lobby and public space for the hotel, whose guest rooms, indoor pool, health club, and four levels of below-grade parking will be focused in a seven-story masonry addition behind and to the south of the Church Building.



44. The approximately 68-foot-tall Church Building will be preserved in its entirety, restored and modernized. Guests will enter the hotel along Euclid Street, through the 20-foot-tall main doors. The Church Building will be transformed into a central lobby and public space, with column-free spans and 60-foot ceiling heights. A restaurant is proposed for the third floor mezzanine of the Church Building, and meeting rooms will be contained in the ground floor, immediately beneath the main lobby and reception area.
45. In the new rear addition to the Church Building, the ground floor will contain a supplemental registration area, additional meeting rooms, an indoor pool and juice bar, the loading dock and service areas, as well as the entrance to the approximately 4,000 square community center, which is located on the P1 level. The health club and spa will be located in between these levels. Approximately 220 hotel guest rooms will be located on the seven floors above, roughly configured in a south facing U-shape around the indoor pool.
46. The Property will be extensively landscaped, especially in the areas surrounding the Church Building, and the existing fencing will be removed. Several green roofs are proposed at various levels of the new construction.
47. A total of 132 parking spaces will be provided in four levels below the new addition, including six spaces devoted to car-sharing services and two spaces serving electric charging stations. The parking facility will be valet-serviced. Bicycle parking facilities will also be provided in the parking area.
48. The Property will contain approximately 42,283 square feet of land area and approximately 168,858 square feet of gross floor area, resulting in a total building density of approximately 3.99 FAR, all of which will be devoted to hotel and accessory uses. Building height will be 72 feet measured to the top of the roof from Euclid Street, N.W.
49. To accomplish this program, the Applicant seeks consolidated PUD review and approval for the Property and a related Zoning Map amendment from the existing RC/C-2-B and R-5-B to RC/C-2-B zoning.
50. The Applicant has indicated that it intends to pursue sustainability certification for the Project under the United States Green Building Council's LEED New Construction (NC) for Silver rating.

#### **Development Incentives and Flexibility Requested**

51. The Applicant requests the following areas of flexibility from the C-2-B requirements and PUD standards to facilitate development of the Project:

- a. To provide multiple roof structures, of varying heights, not all of which meet the 1:1 setback requirement from the exterior walls of the building; and
  - b. To provide fewer than the required number of parking spaces pursuant to § 2101 of the Zoning Regulations (146 spaces are required; 132 spaces are proposed).
52. No additional zoning flexibility from the requirements of the Zoning Regulations was requested or granted.
53. In addition, the Applicant is seeking the following areas of flexibility in the design of the project:
- a. To modify the design of the Project as required by the HPRB pursuant District of Columbia Law the Historic Preservation Act,<sup>1</sup> provided that those changes do not increase any of the areas of relief granted by the Zoning Commission;
  - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the buildings;
  - c. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of materials;
  - d. To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit; and
  - e. To vary the final selection of landscaping and vegetation types as proposed, based upon availability at the time of construction and finalization of site grading and utility plans.

#### **Public Benefits and Project Amenities**

54. The Commission finds that the following superior benefits and amenities will be created as a result of the Project:
- a. *Urban Design and Architecture.* The Project offers preservation and reuse of the pending landmark Church Building consistent with the specific direction of the

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<sup>1</sup> The formal name of which is the Historic Landmark and Historic District Protection Act of 1978, D.C. Law 2-144; D.C. Official Code §§ 6-1101 *et seq.* (2008 Repl.).

Comprehensive Plan, contextual massing of new construction in relation to the Church Building and surrounding properties, high-quality design and materials compatible with surrounding vernacular, all undertaken in coordination with the HPRB and District's Historic Preservation Office. The Project also includes extensive landscaping, removal of the existing metal gate surrounding the Church Building and integration of common pathways and seating areas;

- b. *Site Planning and Efficient Land Utilization.* The Project makes efficient use of its shape and topography. The Project is also an efficient and economical use of land in that it will preserve and reuse the Church Building;
- c. *Effective and Safe Vehicular and Pedestrian Access and Transportation Management.* The Applicant has demonstrated that the Project will operate in an efficient and safe manner as a result of a number of initiatives that will be executed, including: enhancement to the current alley configuration through the grant of a non-exclusive surface easement across a portion of the Property; creation of a taxi queue along Euclid Street, N.W., upon public space permit approval; four levels of valet-only parking; implementation of a truck management plan; extensive landscaped pedestrian access; provision of car share, electric charging, and bicycle parking within the Project. Further, the Applicant has established a transportation demand management plan in coordination with DDOT;
- d. *Employment and Training Opportunities.* The PUD will provide an exceptional number of employment and training opportunities. Significant hotel and related permanent jobs are also anticipated at the site. To that end, the Applicant has entered into a First Source Employment Agreement with the District's Department of Employment Services ("DOES") in order to achieve the goal of utilizing District of Columbia residents for a significant percentage of the jobs created by the PUD. Applicant also has entered into a Certified Business Enterprise Agreement with District's Department of Small and Local Business Development ("DSLBD"). With regard to employment opportunities within the community, the Applicant has worked closely with a number of organizations to enhance this effort through focused hiring in Ward 1 and through a number of apprenticeship programs. To that end, the Applicant has entered into memoranda of understanding with: (1) the Adams Morgan Youth Leadership Academy ("AMYLEA") to provide administrative space within the Project as well as job opportunities for AMYLEA participants, who are youth and young adults residing in Ward 1; (2) the Sasha Bruce Youthworks to provide mentorship and construction internship opportunities in a variety of construction fields, including access to meeting space within the Project; (3) the Hospitality High School of Washington to coordinate with AMYLEA in identifying opportunities for

internships in the hospitality industry, including access to meeting space within the Project; and (4) the Greater Washington Hispanic Chamber of Commerce to attract Latino-owned businesses in connection with the construction and operation of the Project, including hosting by the Applicant of subcontractor expositions and educational seminars and networking events – all with the goal of increasing employment opportunities within the immediate community and among underrepresented populations;

- e. *Social Services/Facilities.* The Project addresses a number of important social services and facilities, including: the provision and fit-out of an approximately 4,000 square foot community center space within the Project for use by ANC 1C and community organizations; the refurbishing of Unity Park; requested materials and improvements to the following service providers within the immediate community – Marie Reed Learning Center, the HD Cooke Elementary School, Jubilee Jump Start, the Sitar Center, and For the Love of Children, as set forth in the Applicant’s agreement with RCNA included as Exhibit 78;
  - f. *Environmental Benefits.* The Project's environmental benefits include a sustainability commitment to qualify for LEED NC 2009 Silver rating, installation of multiple green roofs as part of the new construction, and extensive landscaping on the Property; and
  - g. *Uses of Special Value to the Neighborhood or the District as a Whole.* The PUD offers a host of uses not currently available to the Adams Morgan community. It will provide a hotel use, spa/health club use, improvement to the alley system in Square 2560 by virtue of the grant of a non-exclusive vehicular easement; improvements to grounds of the Marie Reed Learning Center; and an extensive residential public space maintenance in the form of trash patrol and general public maintenance across a sizeable area within the Adams Morgan community. As noted in several pieces of correspondence received in support of the Application, the hotel will also provide a daytime commercial anchor and catalyst in the Adams Morgan community.
55. The Commission finds that the PUD 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 and architecture, effective and safe vehicular and pedestrian access and transportation management, employment and training opportunities, social services and facilities, environmental benefits, and uses of special value to the neighborhood. These proffered benefits and amenities are appropriately balanced against the requested development incentives for the Project, namely a seven-foot increase over the matter of right permitted building height and approximately 20,719 square feet of density over the matter of right limit.

**Compliance with Comprehensive Plan**

56. The Commission finds that the Project advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan, as follows:
- a. *Land Use and Policy Maps.* The Applicant's proposal is consistent with the Future Land Use Map, which designates the Property as a mixture of Low-Density Commercial and Moderate-Density Residential uses, as are the commercial properties located to the west along 18<sup>th</sup> Street and Columbia Road;
  - b. *Land Use Element.* The Project is consistent with a number of policies established in the Land Use Element, including promotion of corridor development, neighborhood infill development, maintaining and enhancing successful neighborhoods, promoting rehabilitation of underutilized older buildings, neighborhood beautification, and promotion of commercial centers;
  - c. *Transportation Element.* The overall goal of the Transportation Element is to create a safe, sustainable, and efficient multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce and visitors, supports economic prosperity and enhances the quality of life for District residents. The Project supports this goal through its various transit-enhancement components, including the improvement to the public alley circulation, valet-only parking, and transportation demand management initiatives, including promotion of carshare and non-automotive transit options;
  - d. *Environmental Protection Element.* The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element provides policies and actions on important issues such as energy conservation and air quality. The Project includes street tree planting and maintenance, landscaping, energy efficiency, and green engineering practices, and is therefore consistent with the Environmental Protection Element;
  - e. *Economic Development Element.* The overall goal of the Economic Development Element is to strengthen the District's economy by sustaining its core industries, accommodating future job growth, foster the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the regional economy. This element also includes extensive references to the importance of

the hospitality sector to the District's economic health. As testified by the Applicant through its expert witness on project economics and confirmed through materials provided by representatives of the District of Columbia Council, the Deputy Mayor for Planning and Economic Development, and the Executive Director of the Adams Morgan Partnership Business Improvement District, the Project promises to serve as a major catalyst for economic development in Adams Morgan, instantly becoming the largest employer in the neighborhood and serving as a much needed daytime anchor in the neighborhood. Furthermore, as evidenced by the various memoranda of understanding the Applicant has executed with DOES, DSLBD, AMLYA, Hospitality High School, Sasha Bruce Youthworks, and others, the Applicant is committed to ensuring access to employment and training to residents in the affected neighborhood and those from traditionally underrepresented backgrounds;

- f. *Urban Design Element.* Through this element, the District seeks to enhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings, and improving the vitality, appearance and security of streets and public spaces. To this end, the Project most definitely strengthens the defining visual quality of this community by preserving and adapting the century-old Church Building as the centerpiece of the new hotel. Further, as a result of the reduction in height of the new addition to 72 feet and through the creative stepbacks of the new construction from the Church Building, the Project provides a sensitive and appropriate infill development;
- g. *Historic Preservation Element.* Through the extensive preservation and reuse of the Church Building, which has anchored the main intersection of the neighborhood for the last century, undertaken in coordination with the HPRB and Historic Preservation Office, the Project satisfies the goals and policies of this element. The HPRB approved the height and massing of the Project at its October 25, 2012, public meeting by unanimous vote; and
- h. *Mid-City Area Element.* The Project satisfies a number of policies and actions of this element, including infill and rehabilitation of existing structures, and traffic management, but foremost, the Project addresses the specific direction of *Policy MC-1.2.6: Mid-City Historic Resources*, which calls for the protection of historic resources in the Mid-City area, with particular attention to neighborhoods that currently are not protected by historic designation, including the Church Building.



**Office of Planning**

57. By public hearing report dated August 27, 2012, and supplemental reports dated September 6, 2012 and October 29, 2012, and through testimony presented at the public hearings, OP expressed its support for the redevelopment of the Property and preservation of the Church Building. The initial public hearing report analyzed the Project at a height of approximately 81 feet and noted that while that proposal was supported by a number of Comprehensive Plan policies, the proposed height, which had been reduced from an earlier proposed height of 90 feet, remained not inconsistent with other Comprehensive Plan policies as well as the RC Overlay provisions of the Zoning Regulations.
58. In its September 6, 2012, supplemental report, OP reviewed the further revised Project design for a 72-foot tall hotel along with the agreement reached between the Applicant and RCNA regarding amendment to the text of the RC Overlay to address the Project, mitigation of community impacts, and additional benefits for the Marie Reed Learning Center. OP indicated its support of the Project as revised and confirmed that the Project, as revised, is not inconsistent with the guidance of the Comprehensive Plan.
59. In its October 29, 2012 Supplemental Report, submitted on October 31, 2012, OP noted that at the October 22, 2012 public hearing, the Commission asked it and DDOT to provide responses to several items raised by the opposition in their written testimony. Because the testimony refers to traffic and transportation issues, OP deferred to DDOT's analysis of the points raised, which would be separately submitted.
60. The Commission concurs with OP's findings in support of the Applications.

**Department of Transportation**

61. By memorandum dated August 29, 2012, and through testimony presented at the public hearings, DDOT recommended approval of the Applications, with certain conditions. DDOT indicated that it has worked with the Applicant over the course of more than four years to review the Project and that the Applicant has been responsive and compliant to each DDOT request in order to avoid as many impacts as possible. DDOT has likewise participated in several public meetings to discuss potential impacts of the Project, including a meeting conducted by ANC 1C.
62. DDOT indicated that the Applicant coordinated with DDOT in the development of the traffic study scope and relevant study area intersections, and DDOT confirmed that the Applicant's methodology for evaluating existing and future traffic conditions is generally consistent with DDOT procedures. Further, at the request of the ANC and other community stakeholders, the Applicant engaged a third party transportation consulting company to undertake a peer review of the Applicant's traffic analysis. According to

DDOT, that peer review, which has been presented to the Commission along with the Applicant's underlying traffic analysis (Ex. 34.), confirmed that the Applicant utilized best available scientific and technical information to support the conclusions in its analysis.

63. In its memorandum, DDOT indicated that the potential transportation impacts of the Project are minimal and capable of being mitigated, and that the Applicant has worked extensively with DDOT to address transportation and public space issues related to the Project. DDOT indicated support for the Applicant's proposed loading operations and Applicant's proposal to enhance circulation in the oddly-configured public alley by grant of a nonexclusive vehicular easement. As part of its report, DDOT recommended that the Applicant reduce its on-site parking from the 174 spaces then proposed by the Applicant, and requested that the spaces be limited to hotel guests and be serviced by valet. The Commission notes that the Applicant has agreed to DDOT's request for valet parking for hotel guests (including visitors to the hotel's accessory uses) only and has reduced the number of spaces provided to 132 spaces. The Applicant has also agreed to install parking spaces for 20 bicycles within the building and will provide ample guest bicycle parking, including installation of DDOT-approved guest bicycle racks on the adjacent sidewalk. DDOT encouraged the Applicant to provide shower and changing facilities for employees and guests who arrive at the hotel by bicycle.
64. DDOT indicated support for the Applicant's proposal to locate a taxi queue for hotel guests along the main entrance to the hotel along Euclid Street, N.W., and also to locate the porte cochere along Champlain Street, N.W.
65. DDOT further indicated that it had worked with the Applicant to establish a transportation demand management ("TDM") program for the Project, including the following commitments: a one-time complimentary \$100 WMATA SmartTrip fare card for each employee; a one-time annual membership and registration fee subsidy for each employee's participation in a car sharing program; a one-time annual membership for each employee in Capital Bikeshare; and a low cost electronic information display in the hotel lobby providing real time information related to local transportation options. The Commission granted DDOT's request for a waiver of the time requirements for filing its report, and the Commission concurs with DDOT's recommendation in support of the Applications.
66. At the October 22, 2012 hearing, the Commission requested that DDOT respond to the transportation related concerns raised by the parties in opposition to the Application. On November 1, 2012, DDOT submitted a supplemental report dated October 31, 2012. The report stated that DDOT understood the opponents' concerns to be the following: (a) allowing idling beyond District regulations; (b) modifying the rear alley to one-way functionality; (c) truck access and management; (d) impact of exiting traffic on delay

along the Champlain Street and Euclid Street intersections; (e) congestion at Columbia Road and 18<sup>th</sup> Street; and (f) inadequate DDOT review of land development projects. DDOT's report responded to each of those issues.

- a. With respect to idling, DDOT stated that District regulations limit idling to three minutes, except in cold weather when idling up to five minutes is allowed, and that where District regulations are more restrictive than the limitation included in the Applicant's agreement with the ANC, the more restrictive regulation will govern;
  - b. DDOT stated that a change of alley directionality had not been evaluated by or agreed to by DDOT, and that such changes are made in the public space permitting stage when more engineering detail is available;
  - c. With respect to truck access and management, DDOT stated that it remained concerned about the access to loading facilities and requested that the Applicant provide an easement to allow for safe truck turning movements, and a loading management plan to regulate access to site loading facilities with a regular reporting requirement;
  - d. & e. With respect to the traffic related impacts of the Project, DDOT stated it believed that Applicant's traffic analysis to be relatively conservative, that it believed the Project would not result in significantly increased delays in the affected intersections, and that DDOT would continue to work with the surrounding area to address transportation issues when and if they arose; and
  - f. DDOT responded to the criticism of its review of the Application by describing its approach to the analysis it provided in this case.
67. The Applicant submitted a response to the DDOT report on November 7, 2012. The Applicant stated that in response to DDOT's comments:
- a. It would comply with the District's idling regulations;
  - b. It was directing its truck traffic to use a one way circulation pattern because of the orientation of the building's loading docks;
  - c. It was providing the easement and loading management plan that DDOT requested;
  - d. It would continue to work with DDOT , RCNA, and the ANC with respect to ingress and egress to the site, and noted that it was in its interest to abide by the terms of the agreement it made with respect to egress from the site; and

- e. It noted that DDOT followed its standard approach in its preparing its reports to the Commission.
68. The Commission believes that the Applicant has adequately addressed the concerns raised in DDOT's reports, and believes the conditions included in this order adequately address any potential adverse impacts of the Project.

### **ANC 1C**

69. By letter and resolution dated August 29, 2012, ANC 1C indicated its support for the Applications, with conditions referenced therein. The ANC resolution noted the ANC's belief that the preservation and adaptive reuse of the Church Building represents a public benefit to Adams Morgan and satisfies a major specific initiative of the Comprehensive Plan's Mid-City Area Element regarding historic resources. In its resolution, ANC 1C also indicated its recognition of the benefit to the Adams Morgan community of returning the Church Building to productive use, and the new jobs and other economic benefits the Project will bring. The ANC acknowledged that the Project has evolved in response to community concerns about height, design, and massing, and confirmed the ANC's position that the Applications are acceptable and should be approved by the Commission given the quality of benefits offered, subject to the conditions of the ANC resolution. At the time of its recommendation in support, the ANC indicated support for a project measuring 81 feet in height. The Commission infers that the ANC's approval of a building measuring 81 feet also extends to a lower-rise building measuring 72 feet in height.
70. The ANC report included a number of exhibits incorporating information regarding a number of the service providers with which the Applicant is working as part of its community benefits offerings as well as details of a construction management plan.
71. The Commission affords the views of ANC 1C, as represented through the letter and resolution dated August 29, 2012, the great weight to which they are entitled.

### **Parties and Persons in Support of the Applications**

72. The Commission received several hundreds of letters in support of the Applications from District Council members, interested community associations, organizations, and individuals residing or working in the neighborhood. The Commission notes that among those letters in support were included two letters of support from the representative of the owner of the property to the immediate south of the Property, the only private property abutting the development site.
73. The Commission also received oral testimony from a panel of individuals in support of the Applications, including the Director of AMYLA, and the testimony from the

President of the RCNA, the community association within whose boundaries the Property is located, confirming the voting procedures of that association.

74. By letter dated August 22, 2012, RCNA requested party status in opposition to the Applications. However, after extensive discussions between representatives of the Applicant and RCNA, culminating in a further reduction in building height of the Project to 72 feet from the Euclid Street measuring point, and an agreement to include the entirety of the Property within the RC Overlay while at the same time pursuing a text amendment to the RC Overlay regulations, and a commitment by the Applicant with regard to further traffic control measures and community enhancements, RCNA withdrew its request as a party in opposition and submitted written testimony as an organization in support of the Applications. (Ex. 77, 78, 130, 142.)

#### **Parties and Persons in Opposition to the Applications**

75. The Commission heard a presentation from parties in opposition, KCA and CSN, which testimony focused on potential negative traffic impacts, concerns regarding noise from the building roof, and concerns regarding displacement of existing residents and businesses. The Commission also received several letters and petitions in opposition to the Applications, based upon similar concerns. No expert witness testimony was provided to contradict the findings of the Applicant's expert witness on traffic analysis and management or DDOT regarding potential traffic impacts. The Commission finds that the roof deck can be operated without negative impacts consistent with certain conditions placed upon its use. The Commission appreciates the comments and concerns regarding potential economic impacts of the Project, including both potentially positive and negative impacts. However, the Commission finds that approval of the Applications will not result in any displacement of residents from the Property, as the Property has been utilized for institutional and commercial purposes for decades.

#### **Contested Issues**

##### **Traffic impact**

76. The opposition argued that the hotel would generate traffic on the neighborhood streets that would create additional congestion and that would adversely impact the neighborhood. The KCA specifically focused on traffic that would occur during the evening hours, which are not generally be considered to be the peak hours for traffic but which do have specific relevance to the uses found on the Adams Morgan commercial strip along 18th Street and Columbia Road.
77. The opposition presented anecdotal evidence, including some videos of traffic conditions on the streets in front of the site, in support of its contentions.

78. The Applicant presented studies prepared by Ed Papazian of Kimley Horn Associates, who was accepted by the Commission as an expert in traffic and transportation issues, as well as a peer review of those studies by David Fields of Nelson Nygaard, also accepted by the Commission as an expert in traffic and transportation issues. The professional studies and analysis presented by the two traffic engineers demonstrated that the traffic impacts of the proposed hotel can be mitigated to the point that traffic levels in the area will still operate within acceptable levels of service. The study submitted by Kimley Horn, specifically addressed late night traffic conditions and found that the potentially impacted intersections will still operate at acceptable levels of service. (Ex. 194A.)
79. DDOT filed a report, testified at the hearing, and submitted a supplemental report, as set forth in detail in Findings 61 through 67. DDOT believes that the potential transportation impacts of the proposed project are minimal and able to be mitigated. DDOT noted that the Applicant has worked with DDOT extensively to address transportation and public space issues related to the proposed development.
80. The Commission finds that the testimony and evidence of the Applicant's two experts and DDOT are persuasive and conclusive and therefore finds that the Project will not have an adverse impact on traffic in the area. The Commission further notes that there are agreements in place between the Applicant and ANC 1C and the RCNA which address some of the potential impact issues and which will tend to mitigate against potential adverse impacts.

#### Use of the alley

81. The opposition argued that use of the adjacent alley on the west side of the site would be adversely impacted by the vehicles servicing the hotel through its loading dock, which is located with access from the alley. They argued that the alley is narrow, serves many other businesses which front on 18<sup>th</sup> Street and the hotel trucks would be disruptive to the ongoing use of the alley.
82. The Applicant responded that the main purpose of an alley is to provide service to the properties which abut it. The Applicant proffered a system where trucks bound for the hotel loading area would enter from the south and leave to the north, in a one way pattern. The Applicant has also submitted a loading management plan to regulate access to site loading facilities and to a loading monitoring plan. The Applicant has further agreed to provide an easement at the point where the alley bends adjacent to the site, to provide for a better traffic flow in the alley.
83. The Commission finds that the Applicant's proposal for use of the alley is appropriate and will not cause an adverse impact in the alley. The Commission finds that the alley easement, shown on Sheet 49 of the Plans, will enable a significant improvement in the flow of traffic in the alley, at the point where the alley now bends.



### Height

84. As originally presented to the Commission, the height of the building was 92 feet. In its submission of August 17, 2012, the Applicant reduced the height of the building to 81 feet. In the final plans submitted to the Commission, after the Applicant had reached an agreement with the RCNA, the height was reduced to 72 feet, measured to the roof from Euclid Street, with a further reduction in height at the southeast corner of the building. All of the heights were measured from the level of the curb opposite the middle of the front of the building on Euclid Street, in accordance with the provisions of the Regulations. The height ultimately approved in this order is a maximum of 72 feet with a parapet permitted above the roof.
85. The opposition argued that the building was too high for the site and that the building would loom over the properties to the south along Champlain Street.
86. The Applicant submitted as part of its plans, studies showing the absolute and relative heights of the proposed building. The Applicant's plan further contained shadow studies showing the impact of shadows at various times of the year.
87. The Commission finds that the Applicant's materials, plans, and testimony demonstrate that the revised design will result in a building that fits in with the character of the area, and that will be consistent with the heights of other existing building around it. The Commission further notes that the site is appropriate for the height proposed because of its frontage on the wider open space created by the confluence of 18<sup>th</sup> Street, Columbia Road, and Euclid Street. The permitted heights of buildings further south along Champlain Street are correspondingly lower. The Commission notes favorably the step-down in height to 61.75 feet at the southeast corner of the building. The Commission further notes that there was no opposition to the height from the owners and residents of the most closely affected building to the south of the project on the west side of Champlain Street.

### Design

88. The design of the building was revised substantially from the time it was first reviewed as part of the set-down discussion on November 14, 2011, to the plans finally before the Commission and approved in this Order.
89. The Commission's concerns about the original design have been overcome through the changes presented. The final building design, which has received conceptual approval from the Historic Preservation Review Board, is sensitive to its context and is a much improved whole over the earlier versions.

Roof deck

90. The hotel is proposed to have a roof deck which would be available for use by the guests of the hotel. The roof would also have the normal penthouses for stairs, elevator overrides, and mechanical equipment.
91. The opposition argued that the use of the roof by guests would create unacceptable noise impacts to residents of nearby dwellings. The opposition presented only anecdotal assertions to substantiate that claim and did not have any expert or reliable evidence to support that argument.
92. In response to the Commission's request for the Applicant to reexamine the design of the roof, the Applicant submitted plans after the hearing which altered the location of the penthouses and the roof deck and provided for certain screening devices.
93. The Commission finds that the way in which sound will emanate from the roof will not likely result in noise levels that will adversely affect nearby dwellings. The sound will not be as noticeable because the roof deck is higher than the two- and three-story townhouses nearby. The commission also notes favorably the agreement between the Applicant and the RCNA, which has detailed specifications about how the hotel will operate and which will tend to decrease the noise from the roof.

Comprehensive Plan

94. The opposition argued that the proposed rezoning and the approval of the PUD would not be consistent with the Comprehensive Plan. The opponents argued that the project had not been sufficiently reviewed and that insufficient public comment had been received, that adequate detail had not been provided, and that policies regarding economic development had not been observed.
95. The Applicant submitted a detailed analysis of consistency with the Comprehensive Plan through the report and testimony of its zoning and land planning expert. The Office of Planning also did that analysis, and concluded that, with the height of the building reduced to 72 feet, the property would be not inconsistent with the Comprehensive Plan.
96. The Commission finds that the proposed development with rezoning to RC/C-2-B will be not inconsistent with the Comprehensive Plan. The major touchstone is the designation on the Future Land Map. That map includes the property in the mixed use moderate density residential/low density commercial category. The Commission finds that that same designation applies to the 18<sup>th</sup> Street and Columbia Road commercial frontage now currently zoned C-2-B. The Commission further concurs in the findings of the Applicant's expert regarding the goals and policies of the Land Use element, the Transportation element, the Environmental Protection element, the Economic

Development element, the Historic Preservation element, the Urban Design element, and the Mid-City Area element.

Displacement of residents and businesses on Columbia Road

97. The opposition argued that approval of the PUD would have an adverse effect on small businesses and minority populations, contrary to the Comprehensive Plan and other District policies.
98. The Commission finds that the northern building on the subject property is now vacant and was last used as a church. The southern building is occupied by office uses. The tenants in that building did not submit any objection or opposition. The Commission finds that no retail or residential occupant will be displaced as a direct result of the approval of the proposed project. Overall changes in the economy and demographics of the neighborhood may result in an increase in rents or prices for commercial space. The Commission is unable to find that either businesses on Columbia Road or residential tenants in the immediate neighborhood will be displaced as a result of approval of this property. If displacement were to occur, the Commission is hard pressed to attribute that result to approval of the Applications. The opponents did not present any expert or concrete evidence in support of their assertions which would lead the Commission to reach that conclusion.

**CONCLUSIONS OF LAW AND OPINION**

1. Pursuant to §2400.1 of the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that a 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. The objective of the PUD process is to encourage high quality development that provides public benefits and project amenities by allowing applicants greater flexibility in planning and design than may be possible under conventional zoning procedures. Subsection 2403.9 of the Zoning Regulations provides categories of public benefits and project amenities for review by the Commission. In approving a PUD, the Commission must determine that the impact of a PUD on the surrounding area and on the operation of city services and facilities is either not unacceptable, is capable of being mitigated, or is acceptable given the quality of public benefits provided by said project. (11 DCMR §2403.3.)
3. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.

4. The development of this PUD 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.
5. The PUD's benefits and amenities are reasonable for the development proposed on the Property. The impact of the PUD on the surrounding area is not unacceptable. Accordingly, the Applications should be approved.
6. Evaluating the PUD according to the standards set forth in § 2403 of the Zoning Regulations, the Commission concludes that the Applications qualify for approval. Judging, balancing, and reconciling the relative value of amenities and benefits in the Applications against the nature of the Applicant's request and any potential adverse effects, the Commission is persuaded that the proposed public benefits herein, in conjunction with the amenities discussed above, are appropriate in this case.
7. Approval of this PUD and change of zoning is not inconsistent with the Comprehensive Plan.
8. Approval of this PUD and change of zoning is not inconsistent with the purposes and objectives of zoning as set forth in § 2 of the Zoning Act of 1938, effective June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.02), including as follows:
  - a. The proposed rezoning is not inconsistent with the Comprehensive Plan;
  - b. The proposed rezoning will not produce objectionable traffic conditions;
  - c. The proposed rezoning will not lead to the undue concentration of population and the overcrowding of land; and
  - d. Approval of this PUD will promote the general welfare and tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational and cultural opportunities.
9. The Applications can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
10. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, building density, lot occupancy, parking and loading, or for yards and courts. The Commission may also approve uses that would otherwise require approval by the Board of Zoning Adjustment.

11. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the affected ANC's recommendations. The Commission has carefully considered ANC 1C's recommendation for approval and concurs in its recommendation. The Commission affords the views of ANC 1C the great weight to which they are entitled.
12. 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. For the reasons stated above, the Commission concurs with OP's recommendation to approve the application made in its supplemental report, and has given its recommendations great weight.
13. The Applications for a PUD and Zoning Map amendment 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 Map of the District of Columbia.
14. The Applications for a PUD and Zoning Map amendment are 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 Applications for consolidated review of a PUD and for a Zoning Map amendment from RC/C-2-B and R-5-B to RC/C-2-B for Lots 127, 872, and 875 in Square 2560<sup>2</sup>.

For the purposes of these conditions, the term "Applicant" shall mean the person or entity then holding title to the Property. If there is more than one owner, the obligations under this Order shall be joint and several. If a person or entity no longer holds title to the Property, that party shall have no further obligations under this Order; however, that party remains liable for any violation of these conditions that occurred while an Owner.

This approval is subject to the following guidelines, conditions, and standards:

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<sup>2</sup> The Commission is separately considering an application for amendment to the text of the Zoning Regulations regarding Chapter 14 of the Zoning Regulations (RC Overlay), which amendment specifically addresses the proposed uses and area requirements applicable to the Project (Z.C. Case No. 12-17).

**A. Project Development**

1. The Project shall be developed in accordance with the plans submitted to the Commission on October 31, 2012, and the guidelines, conditions, and standards herein. (Ex. 195A.) These plans incorporate comments received from the Commission and also the HPRB and supersede all earlier Project drawings included in the Record.
2. The Project shall be a hotel measuring approximately 72 feet in height to the top of the roof measured from Euclid Street, N.W., with a building density of not more than 3.99 FAR, containing 132 parking spaces. The Applicant intends to valet-park the garage including parking for 14 First Church vehicles. Within such hotel, restaurant and bar use shall be allowed, such restaurant and bar use to be located only within the First Church Christ Scientist building, provided that food and alcohol shall be permitted to be served in the enclosed pool, the meeting rooms, the guestrooms, and the rooftop area located in the addition to the First Church Christ Scientist building for so long as such addition and the First Church Christ Scientist building are being operated together as a hotel. No nightclub shall be permitted.
3. The roof of the Project shall be utilized consistent with the following conditions:
  - a. **Structures.** No permanent structures providing a roof over usable space are allowed. The only exceptions are: (i) the structures holding the building mechanicals; (ii) structures used for entry/exit; and (iii) bathrooms. Temporary structures are only allowed for events and must be removed within 48 hours following the event. No permanent bar is allowed. Any temporary bar must be removed by the end of any night on which it is used;
  - b. **Events.** Except as provided herein, no events are allowed that are open to the general public. The only allowable events are (i) family celebrations (for example weddings, birthdays, reunions, etc.); and (ii) private events in which the attendees have an independent nexus with the sponsor of the event beyond the fact that they will be attending the event (for example, a company hosting an event for its employees, an organization hosting a fundraiser, or a trade group hosting a conference, etc.). The Applicant will require the hotel operator to expressly prohibit promoted or sponsored events where advertising is made to the general public, where tickets are sold to the general public (except for a charity or other such fundraiser), or where unaffiliated people are granted entry. All events will be located in



the central portion of the rooftop between the penthouse structures on the east and west sides of the rooftop;

- c. **Noise.** Rooftop use must comply at all times with DC noise ordinances. Rooftop noise must not be audible from nearby residences. A glass/plexiglass sound barrier must be installed above the masonry walls in accordance with the best noise reduction standards in the industry. Amplified music is not allowed on the rooftop. Instrumental music is allowed only in connection with events; and
  - d. **Lighting.** Any lighting must be installed so as to minimize shining onto nearby residences. No neon lighting, strobe lighting, or search lights are permitted.
4. The Applicant is granted flexibility with the design of the Project to provide multiple roof structures, of varying heights, not all of which meet the 1:1 setback requirement from the exterior walls of the building.
  5. The Applicant is granted flexibility with the design of the Project to modify the design of the Project as required by the HPRB pursuant to approval under the District of Columbia, provided that those changes do not increase any of the areas of relief granted by the Commission.
  6. The Applicant is granted flexibility with the design of the Project to provide fewer than the required number of parking spaces pursuant to § 2101 of the Zoning Regulations.
  7. The Applicant is granted flexibility with the design of the Project to vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the buildings.
  8. The Applicant is granted flexibility with the design of the Project to vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of materials.
  9. The Applicant is granted flexibility with the design of the Project to make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit.

10. The Applicant is granted flexibility with the design of the Project to vary the final selection of landscaping and vegetation types as proposed, based upon availability at the time of construction and finalization of site grading and utility plans.

**B. Public Benefits and Project Amenities**

1. The Project shall be designed and constructed to receive a sufficient number of points under the United States Green Building Council's LEED New Construction (NC) 2009 standards that would entitle the Project to the LEED NC Silver rating should the Applicant choose to make such application.
2. The Applicant shall preserve and adaptively reuse the Church Building as part of the Project.
3. For the life of the Project, the Applicant shall provide within the Project the Adams Morgan Community Center ("AMCC") of approximately 4,000 square feet finished to allow occupancy and use for multiple purposes including community meetings of ANC 1C and community organizations and certain active records, career and other training, host exhibits, a nonprofit incubator and forum for discussion of new business or service needs or opportunities and a "black box" theatre. The AMCC will include basic utility services as well as furnishings and audio equipment.
4. Prior to the issuance of the certificate of occupancy for the Project, the Applicant shall refurbish and maintain Unity Park, through a combination of plantings and landscape improvements after a community charette process, with an estimated cost of \$100,000.
5. Prior to the issuance of the certificate of occupancy for the Project, the Applicant shall grant a non-exclusive surface easement so as to effectively expand the width of a portion of the public alley abutting the western face of the Property to allow clearance up to 16 feet high for vehicles to proceed across a portion of the site instead of having to negotiate turns of more than 90 degrees and remain within the existing alley's constricting right of way.
6. For the first 20 years following issuance of the certificate of occupancy for the Project, the Applicant shall provide within the AMCC, space for AMYLA, a District nonprofit organization, to carry out its programs and those in which it is a partner with other entities in developing human resources in the Adams Morgan community, pursuant to the terms of the Memorandum of Understanding (Ex. 34), which Memorandum of Understanding provides for the endowment of this entity

with an annual stipend (for each of the first five years – the greater of \$30,000 or revenues derived from a 50 cent surcharge on each room sold for each paid night; for each of years 6-20 – the revenues from the 50 cent surcharge), while also providing for eventuality of AMYLA's reorganization and succession during this time.

7. For the first 20 years following issuance of the certificate of occupancy for the Project, the Applicant shall engage the Sasha Bruce Youthwork, Inc. as a mentoring partner with AMYLA that leads participating youth to earn a high school diploma or pass a general education development test and provide occupational skills for career placement, pursuant to the terms of the Memorandum of Understanding. (Ex. 34.)
8. For the first 20 years following issuance of the certificate of occupancy for the Project, the Applicant shall engage the Greater Washington Hispanic Chamber of Commerce as a partner in both construction goods and labor as well as in a source of employment in hotel operations as the hotel operates, pursuant to the terms of the Memorandum of Understanding. (Ex. 34.)
9. For the first 20 years following issuance of the certificate of occupancy for the Project, the Applicant shall engage Hospitality High School (HHS) as a partner with AMYLA that identifies HHS students to serve as employees after completing the HHS program as interns while in its program, pursuant to the terms of the Memorandum of Understanding. (Ex. 34.)
10. Prior to the issuance of the certificate of occupancy for the Project, the Applicant has entered into a First Source Employment Agreement with DOES whereby the Applicant commits to work through DOES to ensure that at least 51% of any new hires created by the Project shall be District of Columbia residents. The Applicant also has agreed to establish an apprenticeship program.
11. Prior to the issuance of the certificate of occupancy for the Project, the Applicant entered into a Certified Business Enterprise Utilization Agreement with DSLBD whereby the Applicant agrees to contract with Certified Business Enterprises for no less than 35% of the adjusted development budget for the Project.
12. For the first five years following issuance of the certificate of occupancy for the Project, the Applicant shall provide crews to pick up litter and debris as part of a public space maintenance program, at a cost of approximately \$8,000 per month for wages, materials and equipment for the following: Northern boundary: Harvard Street, N.W., the 1600 block to the 1800 block; Eastern Boundary: the 2000 through the 2700 blocks of 16<sup>th</sup> Street, N.W.; Southern Boundary: the 1600

and 1700 blocks of U Street, N.W.; the 1700 through the 1900 blocks of Florida Avenue, N.W.; Western Boundary: the 1800 through the 2300 block of Connecticut Avenue, N.W., excluding all Federal property East of Connecticut Avenue, N.W., but including all District residential streets on the boundary with Rock Creek Park from the 2000 block of Waterside Drive to the 2800 block of Adams Mill Road, N.W., with costs not to exceed \$480,000 for said five-year period.

13. Prior to the issuance of the certificate of occupancy for the Project, the Applicant will support the Marie H. Reed Community Learning Center so that it can have or augment existing education resources, including bi-lingual classroom libraries, train staff in advanced teaching techniques, and equipping its iPad laboratory, at a cost not to exceed \$35,000, expenditures to be coordinated with the Center's Principal.
14. Prior to the issuance of the certificate of occupancy for the Project, the Applicant will support the H. D. Cooke Elementary School to provide classroom libraries to its classrooms, basic musical instruments for individual students (recorders for all and some xylophones) and advanced technology for classrooms now lacking same ("smartboards"), such support to materials and financial contributions undertaken in coordination with the school's Principal, at a cost not to exceed \$41,413.
15. Prior to the issuance of the certificate of occupancy for the Project, the Applicant will provide Jubilee Jump Start ("JJS") cribs, video equipment, four-seat strollers, "prop boxes", staff training, and enhance supplies used in the course of its operation. The Applicant will also provide the means to carry out certain essential repairs as well as abate noise from the JJS operations affecting nearby residents, such support and contribution not to exceed a total of \$50,000.
16. Prior to the issuance of the certificate of occupancy for the Project, the Applicant shall provide financial support in the amount of \$20,000 for the Sitar Center for staff enhancement in its program providing arts enrichment to infants and young children, particularly those from lower income families.
17. Prior to the issuance of the certificate of occupancy for the Project, the Applicant shall provide financial support in the amount of \$35,000 to For the Love of Children for staff enhancement in its tutoring programs providing focused training for those who aspire to complete high school or gain certification of high school equivalency.
18. Prior to the issuance of the certificate of occupancy for the Project, the Applicant will complete the tasks below on the grounds of the Marie Reed Learning Center,

at an estimated cost of \$200,000. If necessary permissions cannot be obtained from the applicable government agencies, the Applicant and RCNA will work cooperatively to identify alternative tasks on the grounds of the Marie Reed Learning Center of comparable economic value for the Applicant to complete instead. If, due to unforeseen circumstances, the completion of any of these tasks would require additional work that is materially beyond the scope of what is specified herein, then the Applicant and RCNA will work cooperatively to identify alternative tasks on the grounds of the Marie Reed Learning Center of comparable economic value for the Applicant to complete instead:

- a. Remove selected plants (to be identified, not to include the three mature trees immediately south of the indoor swimming pool on Champlain Street) on the exterior perimeter of the ball field from Champlain Street south of the indoor swimming pool, along Florida Avenue, and along California Street. RCNA will generate a Community Tree Planting ("CTP") plan for replacement greenery to be provided by Casey Trees or other organizations;
- b. Remove the chain link fencing on the perimeter of the ball field from Champlain Street south of the indoor swimming pool, along Florida Avenue, and along California Street to the tennis courts;
- c. Repair the damaged portion of the cement retaining wall that has sagged on the Champlain Street side of the ballpark due to erosion, so that it is structurally sound and level with the rest of the retaining wall;
- d. Install new fencing (of same style and quality as existing at Marie Reed Learning Center grounds, height to be determined) on the perimeter of the ball field from Champlain Street south of the indoor swimming pool, along Florida Avenue, and along California Street to the tennis courts. Installation to include two gates on Champlain Street, a gate on Florida Avenue, and a gate on California Street;
- e. Install a new plastic/vinyl-coated chain link backstop for the ball field;
- f. Provide movable adult- and youth-sized soccer goal posts for the ball field;
- g. Remove the railroad ties at the southern end of the tennis courts on Champlain Street. Replace them with a new supporting structure that integrates beds for planting shrubbery;

- h. Replace the missing bar in the chain link fencing of the tennis courts on the 18<sup>th</sup> Street side;
- i. Remove the chain link fencing on 18th Street and install new fencing (height to be determined);
- j. Remove the chain link fencing on the southern edge of the middle tier of the grounds that divides the middle tier of the grounds from the ball field and install new fencing (height to be determined);
- k. Remove the chain link fencing on the southern edge of the upper tier of the grounds that divides the upper tier of the grounds from the middle tier of the grounds, install new fencing (height to be determined) and remove the old steel fence support structures attached to the cement base;
- l. Remove the chain link fencing on the eastern edge of the basketball courts on the upper tier of the grounds, install new fencing (height to be determined), and adjust the gates to the north and south of this new fencing to appropriate heights as necessary;
- m. Remove the chain link fencing enclosing the water pumping station and the outdoor pool and install new fencing (height to be determined);
- n. Remove all stair and ramp handrails, repair the cement bases as necessary, and install new handrails in a style that coordinates with the new fencing;
- o. Provide three benches near the basketball courts matching the benches found on the middle tier of the grounds and paint all benches;
- p. Paint the posts for the basketball nets; and
- q. Repair all light posts anywhere on the grounds and paint them.

**C. Miscellaneous**

- 1. The Applicant shall abide by the transportation demand management plan consistent with the recommendations set forth in the August 29, 2012 DDOT report. (Ex. 56.)
- 2. The Applicant shall abide by the terms of the truck management plan as set forth on Pages 5 and 6 of the Agreement executed on September 4, 2012, between the Applicant and RCNA (Ex. 78.)



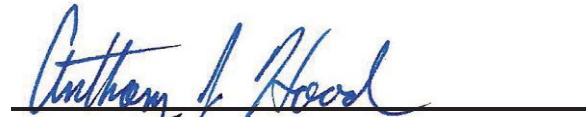
3. The Applicant shall pursue approval through the DDOT public space permitting process of the taxi queue along Euclid Street, as identified in the Project drawings.
4. No building permit shall be issued for the Project until the Applicant has recorded a covenant in the Land Records of the District of Columbia (the "PUD Covenant") between the property 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 ("DCRA"). Such PUD Covenant shall bind the property owner and all successors in title to construct on and use the Property in accordance with this Order or amendment thereof by the Commission.
5. The Zoning Map Amendment referenced herein shall become effective only upon the recordation of a PUD Covenant.
6. The consolidated PUD approved by the 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 for a building permit as specified in §2409.1 of the Zoning Regulations. Construction of the Project shall begin within three years of the effective date of this Order.
7. 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, 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 prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On November 19, 2012, upon the motion of Chairman Hood, as seconded by Vice Chairman Cohen, the Zoning Commission **APPROVED** the Applications at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On February 25, 2013, upon the motion of Chairman Hood, as seconded by Vice Chairman Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0**

(Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

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 March 15, 2013.



ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION



SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING