

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 06-14E**  
**Z.C. Case No. 06-14E**  
**Washington Gateway Three, LLC**  
**(PUD Modification of Consequence @ Square 3584)**  
**October 22, 2018**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on October 22, 2018. At that meeting, the Commission approved the application of Washington Gateway Three, LLC ("Applicant") for a modification of consequence to a previously approved consolidated planned unit development ("PUD") for property located at Square 3584, Lots 26, 814, 815, 820, 821, and 822<sup>1</sup> ("PUD Site"). The modification request was made pursuant to Subtitle Z, Chapter 7 of the District of Columbia Zoning Regulations. For the reasons stated below, the Commission hereby approves the application.

**FINDINGS OF FACT**

**Background**

1. The PUD Site has a land area of approximately 134,592 square feet<sup>2</sup> and is bounded by New York Avenue, N.E. to the northwest; Florida Avenue, N.E. to the southwest; and the Metrorail tracks to the east. The PUD Site is designated mixed-use High-Density Residential and High-Density Commercial on the Comprehensive Plan Future Land Use Map and is located in the MU-9 Zone<sup>3</sup> on the District of Columbia Zoning Map.
2. Z.C. Order No. 06-14, dated February 12, 2007 and effective on June 29, 2007, approved the redevelopment of the PUD Site with a mixed-use project with two buildings. As modified by Z.C. Order No. 06-14B, dated April 5, 2011 and effective June 22, 2011, the first building is the existing apartment house situated on the western portion of the site, which has 400 dwelling units and approximately 5,000 square feet of ground-floor retail

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<sup>1</sup> The PUD Site was originally identified in Z.C. Case No. 06-14 as comprised of record lot 23, known as assessment and taxation lots 811, 812, and 813 in Square 3584. The identification of this same property has since been changed to record lot 26, known as assessment and taxation lots 814, 815, 820, 821, and 822 in Square 3584.

<sup>2</sup> The initial PUD application in Z.C. Case No. 06-14 stated that the PUD Site was comprised of 134,665 square feet, and this figure was repeated in Z.C. Order No. 06-14 and subsequent amended orders until it was corrected in Z.C. Case No. 06-14F.

<sup>3</sup> The MU-9 District was known as the C-3-C Zone District under the 1958 Zoning Regulations, which were in place at the time that Z.C. Order No. 06-14 was approved.

space. The second building has two towers. As modified by Z.C. Order No. 06-14D, dated May 22, 2017 and effective May 4, 2018 (“Order 06-14D”), the North Tower was approved with approximately 339,543 square feet of gross floor area generating approximately 372 residential units, and the South Tower was approved with approximately 223,262 square feet of gross floor area devoted to office use and approximately 11,132 square feet of gross floor area devoted to retail use.

3. Order 06-14D granted flexibility to have a residential use in lieu of the office use in the South Tower, subject to the Commission approving the plans for the residential use as a modification of consequence. Specifically, Decision B.3 of Order 06-14D states that no building permit shall be issued for the South Tower unless the Commission has approved the revised project as a modification of consequence and that the Commission shall not approve a modification of consequence unless the Applicant has provided: (a) a residential design of the building’s façade; and (b) an explanation of how the South Tower satisfies all requirements for residential buildings including Inclusionary Zoning.
4. Decision E.1 of Order 06-14D bifurcated the timing requirements for the North and South Tower with each tower separately subject to the requirements of 11-Z DCMR § 702.2<sup>4</sup> as follows:
  - a. The approval of the PUD modification for the North Tower shall be valid for a period of two years from the effective date of Order 06-14D, or May 4, 2020. Within such time, an application must be filed for a building permit, with construction to commence within three years of the effective date of said order, or May 4, 2021;
  - b. The approval of the PUD modification for the South Tower shall be valid for a period of two years from the effective date of Order 06-14D, or May 4, 2020. Within such time, an application must be filed for a building permit, with construction to commence within three years of the effective date of said order, or May 4, 2021; and
  - c. The Applicant may seek extensions of the time for each tower, respectively, in accordance with 11-Z DCMR § 705. If no application for permit is filed, construction has not started within the period specified, or no extension is granted, the approval for the unconstructed portion of the PUD shall expire, and the zoning shall revert to the pre-existing regulations and map.

### **Application**

5. On August 14, 2018, in accordance with Order 06-14D, the Applicant filed an application with the Commission for a modification of consequence seeking: (a) the Commission’s approval of the plans for the South Tower as a residential use and (b) an amendment to Decision No. B.6.d of Order 06-14D as follows:

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<sup>4</sup> Order 16-14D incorrectly references Subtitle X § 702.2, a typographical error as the correct reference is Subtitle Z § 702.2.

FROM	TO
Condition B.6.d.  Prior to the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall demonstrate to the Zoning Administrator that it has mounted light fixtures to the South Tower adjacent to the MBT that are designed to connect to the South Tower's electrical service;	Condition B.6.d.  Prior to the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall demonstrate to the Zoning Administrator that it has <del>mounted light fixtures to the South Tower adjacent to</del> <b>installed pole lights along the MBT for the length of the South Tower, that are designed to connect to the South Tower's electrical service; The pole lights will be connected to the District Department of Transportation's ("DDOT") planned electrical power service and maintained by DDOT.</b>

6. Under this modification application, the South Tower will have approximately 222,705<sup>5</sup> square feet of gross floor area generating approximately 241 residential units, and approximately 2,984 square feet of gross floor area devoted to ground-floor retail. Eight percent of the gross floor area dedicated to residential use, or approximately 17,816 square feet, will be set aside as affordable units ("IZ Units") for households earning up to 60% of the median family income ("MFI"). The mix of market and affordable unit shall be as reflected in the chart below.

Residential Unit Type	Residential Floor Area <sup>6</sup> / Percentage of Total	Units	Reserved for household earning equal to or less than	Affordable Control Period	Affordable Unit Type
<b>Total</b>	222,705 sf (100%)	241	N/A	N/A	N/A
<b>Market Rate</b>	204,889 sf (92%)	222	Market Rate	N/A	Rental
<b>IZ Units</b>	17,816 sf (8%)	19	60% MFI	Life of the project	Rental

7. With this modification the overall density for the PUD remains at the 6.78 floor area ratio ("FAR") previously approved under Order 06-14D, and the project maintains the maximum building height at 130 feet, measured from New York Avenue, N.E.

<sup>5</sup> The Applicant provided three different residential gross floor area totals: (a) 222,705 sq. ft. - Exhibits 5, Section F (Zoning Requirements – Inclusionary Zoning, p. 6) and 5G5, Sheet A-218 (IZ Unit Locations); (b) 219,039 sq. ft. – Exhibit 5G1, Sheet G-002 (Proposed PUD Modification); and (c) 218,038 sq. ft. – Exhibit 5, Section D (Proposed Modification, p. 4). This Order reflects the first figure, as the one used in the specific sections relating to the IZ Units. This figure was also relied upon by the Office of Planning in recommending approval of the Application to the Zoning Commission (Exhibit 10, p. 4).

<sup>6</sup> The residential floor area includes the square footage of the cellar level of the South Tower.

## **Response to Agency Comments**

8. On September 7, 2018, the Office of Planning (“OP”) submitted a report recommending that the PUD modification be considered as a modification of consequence. In its report OP also: (a) raised certain design concerns; (b) requested greater specificity regarding the Applicant’s requests for development flexibility; (c) requested more detailed plans and renderings of the private space adjacent to the Metropolitan Branch Trail (“MBT”); and (d) requested that the Applicant provide additional details on the proposed change from an enclosed and conditioned MBT connection lobby (“Trail Connection Lobby”) to an unenclosed and unconditioned Trail Connection Lobby. (Exhibit [“Ex.”] 10.) On October 13, 2018, OP filed a supplemental report withdrawing its comments regarding the Trail Connection Lobby since the change was requested and approved in Order 06-14D. (Ex. 11.)
9. In its memorandum to OP, dated September 6, 2018, the District Department of Transportation (“DDOT”) confirmed that the transportation impacts and mitigations identified as part of Order 06-14D are expected to remain valid since they were evaluated for an office use, which is expected to generate more trips than residential. The memorandum also states that the revised TDM plan for the South Tower is appropriate. Accordingly, DDOT has no objection to the requested modification. (Ex. 11, pp. 6-7.)
10. On September 24, 2018, the Applicant submitted its response to the Commission’s and OP’s comments, which included: (a) updated parking calculations and an updated zoning chart that clarified the parking for each iteration of the South Tower; (b) revised development flexibility; (c) an updated signage plan; (d) an explanation of the impact of financial service uses; and (e) additional plans and renderings for the design of the private space adjacent to the MBT. (Ex. 12-12C.)
11. On October 1, 2018 and October 9, 2018, the Applicant submitted its response to DDOT’s request for additional information, which included additional dimensions and cross sections of the MBT, as well as additional information regarding any offsets between vertical elements (i.e., fencing, trees, etc.) and the MBT. (Ex. 13-13A, 14-14A.)
12. On October 15, 2018, the Applicant submitted revised development flexibility language that was a result of the Applicant’s discussions with the Office of the Attorney General (“OAG”) and OP. (Ex. 15.)
13. On October 17, 2018, OP filed its final report recommending approval of the requested modification of consequence including: (a) the design, signage plan, and development program for the South Tower; (b) the landscaping and lighting adjacent to the MBT; (c) the Applicant’s transportation demand management (“TDM”) plan; and (d) the Applicant’s revised development flexibility language. (Ex. 16.)
14. On October 18, 2018, the Applicant submitted its response to OP’s final report clarifying that the revised flexibility language relates to the South Tower only. (Ex. 18.)

### **ANC and Community Outreach**

15. In addition to the Applicant, the parties to this case are Advisory Neighborhood Commission (“ANC”) 5E, the ANC in which the PUD Site is located, and the adjacent ANCs 5D and 6C.
16. On October 17, 2018, the Applicant submitted a letter regarding its outreach to ANCs 5E, 5D, and 6C, and the Eckington Civic Association. (Ex. 17.)
17. The Applicant stated that it had presented the modification application to ANC 5E at its regularly scheduled meeting on October 16, 2018. During its presentation, the Applicant explained that the South Tower will be converted from an office to residential use, which was included in the flexibility granted under Order No. 06-14D. Also, the Applicant described the residential development program and provided renderings that showed the proposed South Tower design in contrast to what was previously approved for the South Tower as an office use. ANC 5E asked a few questions about the change in the design of the South Tower but did not raise any objections to the modification application. ANC 5E did not call for a vote on the application.
18. The Applicant stated that ANC 5D did not respond to the Applicant’s request to present the application.
19. The Applicant stated that ANC 6C advised the Applicant that a presentation on the application was unnecessary.
20. The Applicant stated that it had presented the modification application at a meeting of the Eckington Civic Association on September 10, 2018. The members in attendance did not raise any objections to the proposed change in use for the South Tower nor did they call for a vote on this matter.

### **Development Flexibility**

21. The Applicant requested development flexibility for the South Tower alone as follows (Ex. 5, 12, 15):
  - a. To provide a range in the number of units in the South Tower of 241 plus or minus 10%;
  - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, elevators, escalators, and toilet rooms elevators, provided that the variations do not change the exterior configuration of the building;
  - c. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;

- d. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Plans;
- e. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
- f. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the application plans;
- g. To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on the application plans; and
- h. To locate retail entrances in accordance with the needs of the retail tenants; vary the façades as necessary for the retail tenants within the general design parameters proposed for the PUD; and to vary the types of uses designated as “retail” use on the approved Plans to include the following use categories: (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j)).

### **CONCLUSIONS OF LAW**

1. Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.” (11-Z DCMR § 703.3.) Examples of modifications of consequence “include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.” (11-Z DCMR § 703.4.)
2. The Commission concludes that this modification of consequence application is consistent with the Commission’s approval in Order 06-14D, which states that the South Tower can be occupied with a residential use if approved by the Commission as a modification of consequence if the Applicant provides: (a) a residential design of the building’s façade and (b) an explanation of how the South Tower satisfies all requirements for residential buildings, including Inclusionary Zoning.



3. The Commission concludes that the application, including the architectural plans and drawings and supplemental documents provide a residential design of the building's façade and demonstrate how the South Tower satisfies all requirements for residential buildings, including Inclusionary Zoning, consistent with the Commission's intent in Order 06-14D.
4. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.) to give "great weight" to the issues and concerns contained in the written report of the affected ANC. In this case, ANC 5E, ANC 5D, and ANC 6C are parties to the case. The Applicant presented the application to ANC 5E, but the ANC did not take any action on this matter; ANC 5D did not respond to the Applicant's request to present the application; and ANC 6C advised the Applicant that a presentation was unnecessary. Therefore, there are no issues and concerns expressed by the affected ANCs to be given great weight by the Commission.
5. 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 (2001)), to give great weight to OP's recommendations. The Commission has carefully considered OP's recommendation in support of the application and agrees that approval of the requested modification of consequence should be granted.
6. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### **DECISION**

In consideration of the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the consolidated PUD for the PUD Site located at Square 3584, Lots 26, 814, 815, 820, 821, and 822, approved in Z.C. Case No. 06-14, as amended by Z.C. Order No. 06-14D, subject to the conditions listed below. The conditions of Z.C. Order No. 06-14D shall continue to apply to the North Tower, located at Square 3584, Lots 26, 814, 815, and 821, and to the South Tower, located at Square 3584, Lots 26, 814, 815, and 822, except as specifically revised below:

#### **A. PROJECT DEVELOPMENT**

1. Decision A.1 in Z.C. Order No. 06-14D is hereby amended to read as follows:
  - "A.1. The PUD, except for the South Tower, shall be developed in accordance with the plans titled "Washington Gateway – Modification to Approved Consolidated PUD," prepared by SK+I and Gensler, and dated March 6, 2017, marked as Exhibits 46A1-46A8 ("Plans"), as modified by the guidelines, conditions, and standards herein."
2. The South Tower shall be developed in accordance with the plans titled "Washington Gateway – Modification to Phase II of Approved Consolidated PUD," prepared by SK+I Architecture, and dated August 13, 2018, marked as Exhibits 5G1-5G5; as modified by the renderings filed on August 30, 2018, marked as Exhibit 9A; the updated zoning chart and updated signage plan filed on

September 24, 2018, (marked as Exhibits 12A and 12B; and the revised architectural plan sheet L104 filed on October 9, 2018, marked as Exhibit 14A (collectively, the “South Tower Plans”).

**B. PUBLIC BENEFITS**

1. Decision B.2 in Z.C. Order No. 06-14D is hereby amended to read as follows:

“B.2. **Prior to the issuance of a Certificate of Occupancy for the South Tower, and for the life of the South Tower Project**, the Applicant shall demonstrate to the Zoning Administrator the following:

a. **For the life of the South Tower Project**, the Applicant shall:

- i. Provide a total of approximately 222,705 square feet of gross floor area (“GFA”) generating approximately 241 residential units, and approximately 2,984 square feet of gross floor area devoted to ground-floor retail; and
- ii. Devote no less than eight percent of the residential GFA, equaling not less than 17,816 square feet, as inclusionary units (“IZ Units”) pursuant to 11-C DCMR, Chapter 10, and reserved for households earning equal to or less than 60% of the median family income (“MFI”).

b. The IZ Units shall be distributed in accordance with Sheet A-218 of the South Tower Plans, marked as Exhibit 5G5, and shall be provided in accordance with the chart below:

Residential Unit Type	Residential Floor Area <sup>7</sup> / Percentage of Total	Units	Reserved for household earning equal to or less than	Affordable Control Period	Affordable Unit Type
Total	222,705 sf (100%)	241	N/A	N/A	N/A
Market Rate	204,889 sf (92%)	222	Market Rate	N/A	Rental
IZ	17,816 sf (8%)	19	60% MFI	Life of the project	Rental

2. Decision B.3 in Z.C. Order 06-14D is hereby amended to read as follows:

“B.3. The covenant required by D.C. Official Code § 6-1041.05(2) (2012 Repl.) shall include a provision or provisions requiring compliance with this condition.”

<sup>7</sup> The residential floor area includes the square footage of the cellar level of the South Tower.



3. Decision B.6.d in Z.C. Order No. 06-14D is hereby amended to read as follows:

“B.6.d. **Prior to the issuance of a Certificate of Occupancy for the South Tower**, the Applicant shall demonstrate to the Zoning Administrator that it has installed pole lights along the MBT for the length of the South Tower. The pole lights will be connected to the District Department of Transportation’s (“DDOT”) planned electrical power service and maintained by DDOT.”

4. Decision B.12 in Z.C. Order No. 06-14D, referring to the South Tower as an office use, is hereby deleted.

5. Decision B.13 in Z.C. Order No. 06-14D is hereby amended to read as follows:

“B.13. **Prior to the issuance of a Certificate of Occupancy for the South Tower**, the Applicant shall furnish a copy of the associated LEED certification application submitted to the USGBC, which shall indicate that the South Tower has been designed to include at least the minimum number of points necessary to achieve LEED-Silver under the USGBC LEED v.4.”

6. Decision B.14 in Z.C. Order No. 06-14D is hereby amended to read as follows:

“B.14. **Within one year from the date of issuance of the first Certificate of Occupancy for occupiable space in a story above grade plane for the North and South Tower, respectively**, the Applicant shall provide evidence to the Zoning Administrator that it has achieved LEED Silver certification under LEED v.4 for the North and South Towers, respectively. The Zoning Administrator may, for good cause and upon written request, extend the time period to submit the evidence of certification.”

## **C. TRANSPORTATION MITIGATION MEASURES**

1. Decision C.1.b in Z.C. Order No. 06-14D is hereby amended to read as follows:

### **“C.1.b. South Tower**

- i. Install a transit screen in the lobby of the South Tower;
- ii. Provide the minimum ZR16 bicycle requirements (66 long-term spaces and 12 short-term spaces for the residential and one long-term and two short-term spaces for the retail);
- iii. For a period of three years following the issuance of a certificate of occupancy for the South Tower, the Applicant shall offer each residential unit the option of either a one-time annual carshare

membership or a one-time annual Capital Bikeshare membership, up to a maximum amount of \$85.00 per unit;

- iv. Purchase five rolling shopping carts for use by residents of the South Tower; and
- v. Unbundle the parking costs from the lease or purchase of residential units.”

**D. DEVELOPMENT FLEXIBILITY**

1. Decision D.1. in Z.C. Order 06-14D is hereby amended to read as follows:

“D.1. For the North Tower, the Applicant shall have flexibility from the loading requirements of the Zoning Regulations and shall also have flexibility in the following areas:

- a. To provide a range in the number of units in the North Tower of 372 plus or minus 10%;
- b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;
- c. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
- d. 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 the materials; and to make minor refinement to exterior details, locations and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railing, canopies and trim; and any other changes necessary to comply with all applicable District of Columbia laws and regulations or that are otherwise necessary to obtain a final building permit;
- e. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved Plans; and

- f. To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on Sheet A-310 of the Plans. (Ex. 46A6.)”
- 2. For the South Tower, the Applicant shall have flexibility from the loading requirements granted in Z.C. Order 06-14D, and shall also have flexibility in the following areas:
  - a. To provide a range in the number of units in the South Tower of 241 plus or minus 10%;
  - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not change the exterior configuration of the building;
  - c. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
  - d. To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the approved South Tower Plans;
  - e. To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the approved South Tower plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
  - f. To vary the font, message, logo, and color of the proposed signage depicted on the signage plan updated signage plan (Sheet A-217), filed on September 24, 2018, marked as Exhibit 12B, provided that the maximum overall dimensions and signage materials do not change from those shown on this signage plan;
  - g. To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on Sheet A-218, filed on August 14, 2018, marked as Exhibit 5G5 of the South Tower Plans; and

- h. To locate retail entrances in accordance with the needs of the retail tenants; vary the façades as necessary for the retail tenants within the general design parameters proposed for the PUD; and to vary the types of uses designated as “retail” use on the approved Plans to include the following use categories described in 11-B DCMR § 200.2: (i) Retail; (ii) Services, General; (iii) Services, Financial; and (iv) Eating and Drinking Establishments.

**E. MISCELLANEOUS**

1. Decision E.1.b in Z.C. Order No. 06-14D is hereby amended to read as follows:  
  
“E.1.b. The approval of the PUD Modification for the South Tower shall be valid until May 4, 2020. Within such time, an application must be filed for a building permit, with construction to commence no later than May 4, 2021; and”
2. The Applicant may seek extensions of these time periods for the South Tower in accordance with 11-Z DCMR § 705. If no application for a permit is filed, construction has not started within the period specified, or no extension is granted, the approval for the unconstructed portion of the PUD shall expire, and the zoning shall revert to the pre-existing regulations and map.
3. No building permit shall be issued for the PUD modification approved under this Order until the Applicant has recorded in the land records of the District of Columbia a modification to the recorded covenant required by Z.C. Order No. 06-14. The modified covenant shall be between the Applicant and the District of Columbia, satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs, and shall bind the Applicant and all successors in title to construct and use the PUD Site in accordance with Z.C. Order No. 06-14, as amended by Z.C. Order Nos. 06-14B, 06-14D, and this Order or any subsequent amendment thereof by the Commission. The Applicant shall file a certified copy of the modified covenant with the records of the Office of Zoning.
4. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.
5. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 *et seq.*, (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, family responsibilities,


matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.


On October 22, 2018, upon the motion of Commissioner Turnbull, as seconded by Chairman Hood, the Zoning Commission **APPROVED** the Application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on January 25, 2019.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

  
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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

  
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**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**