

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



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-04
Z.C. Case No. 13-04
ICG 16th STREET ASSOCIATES, LLC
(Consolidated Planned Unit Development and Related Map Amendment
@ Square 185, Lot 41)
September 9, 2013**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on June 17, 2013, to consider applications for a consolidated planned unit development (“PUD”) and related zoning map amendment filed by ICG 16th Street Associates, LLC (the “Applicant”). The Commission considered the applications pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the applications.

FINDINGS OF FACT

The Applications, Parties, and Hearings

1. On February 22, 2013, the Applicant filed an application with the Commission for consolidated review of a PUD and related map amendment to rezone the property at 900 16th Street, N.W. (Square 185, Lot 41) (“Property”) from the SP-2 to the C-3-C Zone District.
2. The Property is situated in Downtown Washington and has a land area of approximately 17,483 square feet. The site is presently occupied by the Third Church of Christ, Scientist and the Christian Science Monitor Building, which are historic landmarks listed in the D.C. Inventory of Historic Sites. The Property is also located in the 16th Street Historic District. The buildings will be demolished to allow for new construction on the site, as endorsed by the D.C. Historic Preservation Review Board. The property is located within the boundaries of the Dupont Circle Advisory Neighborhood Commission (“ANC”) 2B.
3. The Applicant proposes to redevelop the Property with an office building that includes ground floor retail, a church and below grade parking. Upon completion, the project will include approximately 141,026 square feet of gross floor area, or an aggregate floor area

ratio ("FAR") of approximately 8.07. The overall height of the building will be 112 feet, 3.5 inches.

4. By report dated March 29, 2013, the Office of Planning ("OP") recommended that the applications be set down for a hearing. At its public meeting held on April 8, 2013, the Commission voted to schedule a public hearing on the applications.
5. The Applicant submitted a pre-hearing statement for the project on April 9, 2013, and a hearing was timely scheduled for the matter on June 17, 2013. A description of the proposed development and the notice of the public hearing in this matter were published in the D.C. Register on April 26, 2013. The notice of public hearing was mailed or emailed to all property owners within 200 feet of the PUD Site as well as to ANC 2B on April 30, 2013.
6. The parties to the case were the Applicant and ANC 2B in support of the application, and BFP 1625 Eye Street Co., LLC ("BFP") in opposition to the application. The Commission denied the request for party status from the Committee of 100 on the Federal City as it failed to demonstrate that its interests would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public. (11 DCMR § 3022.4.)
7. The Commission convened a hearing on June 17, 2013, which was concluded that same evening. At the hearing, the Applicant presented four witnesses in support of its applications: David Stern, ICG Properties on behalf of ICG 16th Street Associates, LLC; J. Darrow Kirkpatrick, Third Church of Christ, Scientist; Graham Wyatt, Robert A.M. Stern Architects LLP, project architects; and Michael Vergason, Michael Vergason Landscape Architects. Based upon their professional experience and qualifications, Mr. Wyatt was recognized as an expert in architecture and Mr. Vergason as an expert in landscape architecture. The Commission also qualified Daniel van Pelt, Gorove/Slade Associates, as an expert in transportation engineering and accepted his Transportation Impact Statement ("TIS") into the record. (Exhibit ["Ex.,"] 21C.) The Commission also received into the record a report prepared by Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP, and recognized the report as the work of an expert in the field of zoning and land use. (Ex. 39.)
8. Brandice Elliott, Development Review Specialist with OP, and Jamie Henson of the District's Department of Transportation ("DDOT") testified in support of the application with certain comments and conditions.
9. On June 10, 2013, ANC 2B submitted its resolution to the record in support of the application. The ANC supplemented its report by letter dated June 17, 2013. Leo Dwyer and Michael Silverstein of ANC 2B testified in support of the application at the hearing.

10. Bob Meehan testified in support of the application. The Commission also received letters of support from Victor Hoskins, Deputy Mayor for Planning and Economic Development; Councilmember Jack Evans, representing Ward 2, the ward in which the property is located; and the Laborers' International Union of North America ("LiUNA") located across 16th Street from the Property.
11. The following persons testified in opposition to the application: Cornish Hitchcock, Anne Sellin, Charles Robertson, and Sally Berk.
12. The record was closed at the conclusion of the hearing, except to receive additional submissions from the Applicant, as requested by the Commission, and responses thereto from the parties. The Commission also requested proposed findings of fact and conclusions of law from the parties.
13. At its public meeting held on July 29, 2013, the Commission took proposed action to approve with conditions the PUD and related map amendment.
14. The application was referred to the National Capital Planning Commission ("NCPC") for review of any impacts on the federal interest under the Comprehensive Plan as required by § 492(b)(2) of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 774, 810; D.C. Official Code § 641.05). NCPC did not submit a report within the required 30 day review period and, therefore, the Commission was authorized to act without comment from NCPC. *Id.*
15. The Commission took final action to approve the PUD on September 9, 2013.

The Property and Surrounding Area

16. The Property is located on lower 16th Street in the K Street commercial sector of Downtown Washington. Irregular in shape, the site is comprised of Lot 41 in Square 185, and has a total land area of 17,483 square feet. The Property fronts on 16th Street to the east and I Street to the south, with interior lot lines at the west and north sides. A portion of the Property abuts an alley that extends north to the K Street service road. The Property is sloped slightly, with a grade differential of several feet as it rises from roughly midblock on 16th Street to the corner at I Street. The entirety of the Third Church of Christ, Scientist, complex is proposed for demolition to allow for the new development.
17. The property is situated within the SP-2 Zone District. The Future Land Use Map of the Comprehensive Plan designates the Property for mixed-use development consisting of high density residential and high density commercial land uses. The property is also part of "Central Washington" on the Generalized Policy Map, and is located within the Golden Triangle/K Street Policy Focus Area. The area is dominated by commercial

offices uses with ground floor retail, trade associations and several hotels. All property to the east and west of the SP-2 strip on 16th Street is zoned C-4.

18. Immediately west of the site is 1625 I Street, N.W., a large-scale commercial office building with ground floor retail that rises to a height of 130 feet, with a tower embellishment that extends approximately another 30 feet. To the north is 1600 K Street, N.W., a 90-foot commercial office building with ground floor retail, and 1601 K Street, a PUD approved in 1999 which rises to a height of 90 feet in the SP-2 portion of the site and 125.5 feet in the C-4 portion of the site. Across 16th Street to the east are the St. Regis Hotel and the LiUNA building. To the south across I Street are the Motion Picture Association Building and the Hay-Adams Hotel, with Lafayette Park and the White House just beyond.
19. No residential uses are located within the immediate vicinity of the site. Residential uses only begin to appear on 16th Street beyond K Street to the north and become more prevalent toward Massachusetts Avenue. A single residential building is also located at the corner of 15th and I Streets, N.W.

Existing and Proposed Zoning

20. The SP-2 Zone District in which the Property is located serves as a buffer between adjoining commercial and residential areas and is designed to preserve and protect areas adjacent to Commercial Districts that contain a mix of row houses, apartments, offices and institutions. (11 DCMR § 500.) The SP-2 Zone District is a medium-high density district which permits a maximum building height of 90 feet, with no limitation on the number of stories, and a density of 6.0 FAR. (11 DCMR §§ 500, 530 and 531.) Lot occupancy in the SP-2 Zone District is restricted to 80% for buildings which are devoted to residential use, excluding hotels.
21. The C-3-C Zone District requested by the Applicant is a major business and employment center supplementary to the Central Business (C-4) Zone District. (11 DCMR § 740.1.) The C-3-C Zone District permits medium-high density residential and mixed-use developments. (11 DCMR § 740.8.) Buildings in the C-3-C Zone District may be constructed to a maximum height of 90 feet, with no limitation on the number of stories, and a maximum FAR of 6.5. (11 DCMR §§ 770 and 771.) Buildings in the C-3-C Zone District may occupy 100% of the lot, but must provide a rear yard measuring 2.5 inches per foot of vertical height, but not less than 12 feet. (11 DCMR §§ 772, 774.)
22. Under the PUD guidelines, the maximum building height permitted in the C-3-C Zone District is 130 feet with a maximum density of 8.0 FAR. (11 DCMR §§ 2404.6, 2405.2.) The Commission may authorize an increase of five percent in the maximum density provided the increase is essential to the successful functioning of the project and

consistent with the purpose and evaluation standards of the PUD regulations. (11 DCMR § 2405.3.)

Description of the PUD Project

23. Designed by the architectural firm of Robert A.M. Stern Associates, the proposed new development will be an exceptional architectural statement design that fits comfortably within the stately surroundings of lower 16th Street. The structure follows the form and massing of other buildings, effectively reinstating and matching the 90-foot streetwall height along the avenue. The ninth floor will be setback from the property line approximately 20 feet and will be partially occupied by mechanical equipment. This top floor has been carefully treated to create the appearance of a highly designed penthouse with a colonnade, in deference to nearby buildings, in order to maintain the quiet monumental quality of lower 16th Street. The overall height of the building for zoning purposes, including this "occupied" penthouse/floor, will be 112 feet, 3.5 inches, consisting of nine stories. The overall density of the project is 8.07 FAR, with approximately 125,190 square feet of gross floor area devoted to commercial office uses, approximately 4,098 square feet of gross floor area devoted to retail/service uses, and approximately 11,738 square feet of gross floor area devoted to religious uses. The new structure will occupy 100% of the site. A court will be provided in lieu of a rear yard. The site has been divided roughly into thirds, with the office building occupying the southern two-thirds of the lot and the church located at the northern third.
24. The main entrance to the office building is centered in the office portion of the façade to remain consistent with much of historic 16th Street and reinforce the notion of two distinct structures. Retail space is located at the corner of 16th and I Streets. The office building is expressed in a classical vein that reflects the character of lower 16th Street leading to Lafayette Park and the White House. The ground floor expresses its full two-story height, with multiple, vertically oriented windows at each floor; windows above that level are then organized in three horizontal bands. The ground floor is faced in white Cherokee marble, while the upper floors are a combination of Indiana limestone and white Cherokee marble. Windows are trimmed in bronze and bronze-finished aluminum frames. The corner of the building is glazed to its full height at the intersection of 16th and I Streets; the north corner of the office façade is also treated with glass as it turns into the recessed portion of the façade which features the church.
25. The "skin" of the office building façade rises to the cornice height, which roughly matches the cornice lines of the Hay-Adams Hotel, the Motion Picture Association building and 1600 K Street. It also correspondingly matches cornice heights of other buildings on the east side of 16th Street. The building is eight stories in height at these street facades, or approximately 93.7 feet. The ninth floor is then set back 20 feet and rises another 18.5 feet for an overall total building height of approximately 112.3 feet. The colonnade surrounding the ninth floor extends 10 feet in front of that top floor.

26. The church located at the north end of the 16th Street facade is articulated as a glassy, crystalline structure set within a recess approximately 10 feet deep. It has two entrances: one to the publicly accessible reading room, which abuts a small plaza located in public space, and a second entrance for the church itself that leads to an interior lobby that rises to the auditorium, Sunday school facilities, and administrative offices above. The auditorium is a double-height space and is the principal gathering place for the congregation. It is deliberately transparent from the street to convey an open, welcome feeling in keeping with the church's tenets of faith and religious mission. The faceted edges of the church "jewel" extend slightly beyond the property line by approximately four feet, which adds visibility to the church and helps differentiate it from the larger office building façade.
27. The PUD will include extensive landscaping along the building street frontages, which will also extend the full block along 16th Street between I and K Streets. The plan will re-establish the double-row of trees that historically characterized 16th Street. Special street pavers will also enhance the special quality of the site. The church entrance will feature a monolithic stone water feature, where the water skims the surface and falls over the edge of the stone block. A plaza area with seating will adjoin the reading room. A simple strand of bells, acting as a stylized carillon, will demarcate the church entrance. The Public Space Committee, DDOT, approved in concept the overall landscaping plan with minor adjustments to reduce the amount of specialty paving, increase the green area, and add another bike rack on I Street and a tree box on K Street.
28. Parking will be provided for approximately 93 vehicles in a below-grade garage accessed off of I Street. A portion of the spaces will be located in vault space along 16th Street, while others will be stacked. (Ex. 25A.) Loading facilities will be located in the public alley and accessed from the K Street service roadway. In consideration of the already extreme congestion in the existing alley, the vehicular entrance has been located along I Street in close consultation with the DDOT. The I Street curb-line will also be extended at that area to eliminate a truncated curb lane and associated traffic congestion. It will also result in a widened sidewalk, thereby enhancing pedestrian circulation. A new curb cut to the garage, approved by DDOT, is located off I Street. As discussed in greater detail below, the parking and loading facilities are adequate to meet the anticipated demand for the building and the church.

Zoning Flexibility Requested

29. The Applicant requested flexibility pursuant to § 2405.3 to increase the total density to be developed on the PUD site to approximately 8.07 FAR, which is slightly higher than the permitted density of 8.0 FAR. Section 2405.3 provides that the Commission may authorize an increase up to five percent the total maximum floor area for the C-3-C PUD guidelines, or up to 8.4 FAR, provided that the increase is essential to the successful

functioning of the project and consistent with the purpose and evaluation standards for PUDs. (11 DCMR 2405.3(b).) Here, the modest increase of 0.07 FAR will allow the Applicant to compensate for some of the inefficiencies resulting from the incorporation of two separate, distinct uses on a relatively modest site. The additional density also allows the Applicant to accommodate the innovative, angular church façade and respond to comments from HPRB related to visual separation of the two (religious and commercial) uses. Thus, the Commission finds the slight increase in FAR to be essential to the successful functioning of the project and is consistent with the purposes of the PUD regulations and evaluation standards to encourage high quality developments that provide public benefits. The less than one percent increase is modest in nature and more than compensated for by the superior public benefits and amenities of the project.

30. The Applicant also requested flexibility to allow a roof structure not meeting the one-to-one setback requirements. The penthouse is flush with the building wall at the rear alley. At the direction of HPRB, the penthouse was pushed back as far as possible from the street elevations to protect the viewsheds within the 16th Street Historic District. The setbacks also allow for the successful organization and integration of the mechanical penthouse within the ninth floor.
31. Additionally, the Applicant requested flexibility to provide parking consistent with the plan shown on Exhibit 25A, and to vary the number, location and arrangement of parking spaces for the project, as shown on the plan, provided that parking shall be provided for no fewer than 93 vehicles.
32. The Applicant also requests flexibility in the following areas:
 - a. 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 building; and
 - b. 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 materially reducing the quality of the materials; and to make refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, to comport with final design comments from the Historic Preservation Review Board, or that are otherwise necessary to obtain a final building permit.

Project Benefits and Amenities

33. Urban Design, Architecture and Landscaping. The single largest benefit to the area and the city as a whole is the creation of a new signature office building just blocks from the White House and an exceptional ecclesiastical design for the Third Church of Christ, Scientist. The design skillfully blends a classical vocabulary with a modern idiom to reflect the quiet elegance of lower 16th Street's institutional and commercial buildings. The building will be clad in high-quality materials consisting of white Cherokee marble, Indiana limestone and bronze trim, which are generally reserved for governmental buildings and associations along the National Mall and seldom used on matter-of-right projects. The first eight floors of the building rise to a height of approximately 90 feet, in deference to the height line that characterizes 16th Street. The ninth floor is set back from the street wall approximately 20 feet to mimic the setbacks normally associated with a penthouse. Unlike the typical mechanical penthouse, this ninth level has been fully designed as part of the overall building composition and is further articulated with a pergola. The pergola echoes the colonnaded top floor of the AFL-CIO building located diagonally across the street to the southeast. The mechanical equipment has been deftly incorporated into this top floor at the north end of the site.
34. Another exceptional urban design feature of the PUD is the extensive landscaping. Specialty pavers, plantings and restoration of the double-row of trees that once characterized 16th Street will significantly enhance this block of 16th Street. The plaza in front of the church will feature particularly inviting designed elements, including a water feature and a stylized carillon. Together, these exceptional features of the PUD project represent outstanding benefits of urban design, architecture, and landscaping. The office building's Cherokee marble, Indiana limestone and bronze trim, as well as the intricate glass façade of the church and landscape features, are significant enhancements that are not normally achieved under a matter-of-right project, and come at a significant increased cost to the Applicant.
35. Site Planning and Efficient and Economical Land Utilization: The proposed PUD will enhance a prominent corner on lower 16th Street, blocks from the White House. The project will activate the surrounding street network with a combination of active retail uses and streetscape improvements. Further, the PUD will improve significantly the functionality of the alley located adjacent to the northwest corner of the property by consolidating trash and recycling for three separate buildings, which will minimize the number of truck visits, thereby alleviating pressure on the alley system. At the request of DDOT, the Applicant will also extend the curblin and sidewalk area along the I Street frontage of the building to enhance pedestrian and transportation safety.
36. Historic Preservation of Private or Public Structures, Places, or Parks. The HPRB found the proposed design and materials palette to be consistent with the historic character of the 16th Street Historic District, and approved the project in concept.

37. Housing and Affordable Housing. The Applicant has committed to make a direct contribution to the Housing Production Trust Fund in the amount of \$579,587.24, based on the formula set forth in § 2404.7 of the PUD regulations. Although required, the housing linkage contribution would not otherwise be made under a matter-of-right project, and thus qualifies as a public benefit of the PUD project. (See 11 DCMR § 2403.6.)
38. Environmental Benefits: The proposed development provides a number of environmental benefits that include street tree planting and maintenance, landscaping, energy efficiency, and the inclusion of bike storage and changing facilities. The project will be designed to exceed the LEED-Gold standard, achieving some of the requisite points through preferred parking for low-emitting and fuel efficient vehicles, green roof, stormwater capture and re-use, careful exterior lighting, low-flow fixtures, higher performance envelope, recycling and salvaging of construction waste and the use of recycled building materials.
39. Uses of Special Value to the Neighborhood or the District of Columbia as a Whole. The project will redevelop a highly prominent corner in Central Washington and will result in the provision of a sizable contribution to the Housing Production Trust Fund. The project includes the provision of the Christian Science Reading Room, which will be open to the public. The current reading room attracts approximately 70% of its visitors from the general public, with the remainder comprised of church members. In coordination with the ANC, the Applicant will also contribute funds to the following community organizations that would advance their missions:
- *Sasha Bruce Youthwork, Inc.* – The Applicant will contribute \$20,000 to this organization, which helps at-risk and homeless youth in the District of Columbia. Services include finding safe homes, counseling, educational and career opportunities. The contribution will enable the training of youth to sell food and flowers grown in their gardens;
 - *Charlie's Place at St. Margaret's Church* – The Applicant will contribute \$20,000 to this organization, which assists homeless men and women through education, encouragement, and self-reliance. The contribution will support weekend services to provide meals, case management series, distribution of clothing, toiletries and mail, and phone access. The contribution will also support on-site nursing services to provide health screenings, blood pressure testing, HIV testing and long-term healthcare planning; and
 - *Dupont Circle Citizen's Association* – The Applicant will contribute \$10,000 to this organization, which will be used to support the Dupont Circle Resource Center to include renovations, maintenance and repairs of the space, improvements to the center's security, signage, technology, furniture, and landscaping. The space is used

as a substation for National Park Service Police and the Metropolitan Police Department, and as a meeting space for several organizations.

40. The Commission finds that the benefits and amenities package is commensurate with the level of flexibility requested. Each proffered category is at a minimum acceptable, but the benefits and amenities are particularly superior in the categories of urban design, architecture, landscaping, and sustainable environmental features.
41. The Commission further finds that the impacts of the project are favorable, capable of being mitigated or acceptable, in compliance with §2403 of the PUD regulations. The construction of the new office building with ground floor retail, including a replacement church, provides efficient use of land compatible with uses of the surrounding property. The project does not cause any adverse traffic impacts and provides sufficient parking to meet demand, as confirmed by the reports of Gorove/Slade Associates and DDOT. (Ex. 25A.) The proposed height is consistent with other existing buildings in the vicinity. The cornice line, with a setback at approximately 90 feet in height, picks up other existing heights along 16th Street. The additional three feet in height helps provide higher height for ground floor retail uses and the church. The conceptual approval from the Historic Preservation Review Board assures that design will be of high quality and not incompatible with the character of the 16th Street Historic District.

Comprehensive Plan

42. The Future Land Use Map of the Comprehensive Plan designates the Property for High-Density Residential and High-Density Commercial land uses. The proposed development is consistent with that designation. The property is also part of "Central Washington" on the Generalized Policy Map, and is located within the Golden Triangle/K Street Policy Focus Area. The proposed development furthers numerous policies and objectives of the Comprehensive Plan, as discussed below.
43. ***Policy LU-1.1.4: Appropriate Uses in the CEA.*** The proposed PUD and related map amendment will allow development of the site consistent with this land use policy. The proposed C-3-C Zone District will promote the use of this property with a high-value commercial office building designed using the highest quality materials. The white Cherokee marble, Indiana limestone and bronze trim proposed for the office building are commensurate with the monumental institution structures of the National Mall and lower 16th Street. The architectural treatment of the building is classically inspired but evokes a modern idiom. The crystalline faceted-glass façade of the church structure further reflects the cultural significance of the area and enhances the area's image as the seat of the national government and the center of the District of Columbia.
44. ***Policy LU-1.1.6: Central Employment Area Historic Resources.*** In fulfillment of this policy, the design of the proposed PUD has undergone review by the Historic

Preservation Office and the Historic Preservation Review Board (“HPRB”) to ensure that it preserves the scale and character of the Central Employment Area’s historic resources within the 16th Street Historic District. The proposed PUD and related map amendment respect the streets, vistas and public spaces of the L’Enfant and McMillan Plan. The building has been sensitively designed to respect the area’s historic character and enhances the historic role of lower 16th Street as the front entrance to the White House.

45. ***Policy LU-2.3.6: Places of Worship and other Religious Facilities.*** The incorporation of a new house of worship for the Third Church of Christ, Scientist, into the PUD project supports this policy of working proactively with the faith-based community by recognizing that places of worship and other religious facilities are anchors in neighborhoods, sources of spiritual guidance and are accorded important federal constitutional and statutory protection. The church's ongoing presence on lower 16th Street will allow the church to continue its mission of 95 years to minister to its downtown congregation. The new house of worship will allow the Third Church of Christ, Scientist to worship in accordance with the tenets of its faith, as envisioned under the First Amendment, the Religious Freedom Restoration Act and the Religious Land Use and Institutionalized Persons Act.
46. ***Policy LU-2.4.6: Scale and Design of New Commercial Uses.*** Consistent with this policy, the proposed PUD will be developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas. It will maintain the established height of lower 16th Street, with the cornice height of 93 feet being compatible with that of adjacent buildings. The mass, density, and building design are also similar to neighboring buildings and the character of 16th Street.
47. ***Policy E-1.1.1: Street Tree Planting and Maintenance.*** In furtherance of this policy, the proposed development recognizes the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods. The project will include a double row of trees along 16th Street, where a single row currently exists. The sidewalk will be significantly improved along both frontages, providing an aesthetic benefit to pedestrians. Proposed landscaping and streetscape improvements have been reviewed and approved by the Public Space Committee in concept.
48. ***Policy E-2.2.5: Energy Efficient Building and Site Planning.*** The PUD has been designed to the LEED-Gold standard, thus contributing to the energy efficient goals of this policy. The qualifying features highlighted in the application include: high performance envelope; glazing and mechanical system designed to reduce energy use; bike storage and changing facilities; a green roof and native and adapted vegetation, with low water using irrigation; stormwater capture and reuse; recycled and/or salvaged construction waste; and recycled building materials.

49. **Policy ED-2.1.1: Office Growth.** The proposed commercial office uses of the PUD will advance this policy by fostering office growth in Central Washington, one of the primary target areas.
50. **Policy ED-2.1.3: Signature Office Buildings.** The PUD design concept approved by HPRB furthers the goals for signature office buildings to accommodate high-end tenants and users. The project includes high quality materials, such as Cherokee marble, Indiana limestone and bronze trim in addition to a crystalline design for the Third Church of Christ, Scientist. It is anticipated that the proposed project will attract high-end tenants and users given its prominent location and high quality design.
51. **Policy ED-2.1.5: Infill and Renovation.** The proposed PUD and related map amendment fulfill this policy by allowing the under-utilized site, which is characterized by a Brutalist-style church complex, with an infill development that serves both the needs of the commercial office sector and the Third Church of Christ, Scientist in a way that will allow it to worship in a manner consistent with the tenets of its faith.
52. **Policy UD-1.1.1: National Image.** In furtherance of this policy, the proposed PUD and map amendment will allow for the construction of a signature office building and church of exemplary design that will strengthen and enhance the physical image, character and qualities of the District and reflect its role as the national capital.
53. **Policy UD-1.1.2: Reinforcing the L'Enfant and McMillan Plans.** The proposed PUD and related map amendment support this policy. The streetscape improvements will restore and enhance the swath of green space along 16th Street, which is an important element of the L'Enfant Plan and the historic district. The new building will be located at the property line to ensure visual consistency along 16th Street and to maintain the historic viewsheds. In addition, the building concept has been reviewed and approved by HPRB, and has been found to be compatible with surrounding development through maintenance of the existing street wall and limitations on height variations. The 20 foot setback that has been proposed on the ninth floor preserves the 16th Street viewshed.
54. **Policy UD-2.1.2: Downtown Street and Block Pattern** In furtherance of this policy, the proposed PUD and related map amendment foster a fine-grained pattern along lower 16th Street while enhancing the large swath of green space to encourage pedestrian movement and create visual interest along the streetscape. The crystalline church structure, which is framed by a setback in the office building, is the antithesis of the fortress-like building this goal discourages. The proposed landscaping will create visual interest along the street frontages and will enhance the pedestrian path.
55. **Policy UD-2.1.4: Architectural Excellence.** The proposed PUD embodies the architectural excellence promoted by this policy. The building, as approved by HPRB, has been adroitly designed and exhibits an outstanding level of excellence in the quality

of the composition and materials. The ground floor has been treated as a double-height space and with a degree of architectural detail not otherwise found on matter of right buildings, which improves the visual image of the project, the streetscape and a prominent corner. The project creates visual interest at the street levels by improving landscaping along both frontages in addition to the incorporation of a crystalline sculpture at the entrance of the place of worship.

56. ***Street Walls (§§ 913.3-913.5) Street Walls.*** In response to the observations and goals of the Comprehensive Plan on street walls, the proposed PUD enhances the street wall and the streetscape experience by employing a high design standard for the storefront and ground level of the building. The public spaces will be improved with extensive plantings for the entire length of the 16th Street block between I and K Streets that interacts with the building and church designs, to create energy along the street. There is a high level of transparency in the use of glass for the building and the church. The entrance to the church reading room will include seating and a water feature that will activate the street. The landscape along each frontage will further enhance the pedestrian path while reducing stormwater runoff.
57. ***Policy UD-3.1.1: Improving Streetscape Design.*** The proposed PUD proposes extensive improvements to the streetscape through special pavers, trees, water features and plantings that will greatly enhance the character of this block of 16th Street and the historic area in general.
58. ***Policy UD-3.1.2: Management of Sidewalk Space.*** The characteristically wide sidewalks along this segment of 16th Street will be preserved and enhanced as part of the PUD project, with the double row of street trees restored. The improvements will augment the visual character of the street with a double row of trees, which will reduce the impact of vehicle traffic. Additionally, the sidewalk along the I Street frontage of the building will be widened through the elimination of a truncated curb lane that has resulted in traffic congestion.
59. ***Policy UD-3.1.6: Enhanced Streetwalls.*** The PUD project has been sensitively designed to enhance the streetwall through a double-height street level built to the property line. The continuous façades along 16th Street will provide a sense of enclosure and comfort for pedestrians, in furtherance of this policy. In addition, the streetscape, including double rows of trees, will improve pedestrian comfort and circulation.
60. ***Policy CW-1.1: Promoting Mixed Use Development.*** The proposed project will advance this policy by expanding the mix of land uses to include a place of worship, office and retail. The proposed mix of uses increases the density of the site and will ensure that it remains active throughout the day, sustaining the area as a hub of the metropolitan area.

61. ***Policy CW-1.1.2: Central Washington Office Growth.*** In fulfillment of this policy, the proposed development, in concert with the approved concept, will help retain Central Washington as the premier office location in the Greater Washington region.
62. ***Policy CW-1.1.12: Reinforcing Central Washington's Characteristic Design Features.*** The proposed PUD and map amendment will reinforce Central Washington's characteristic design features, including a visual height that is consistent with the lower 16th Street, the use of high quality building materials, and the installation of landscape along 16th Street. The approved concept is a blend of historic and contemporary design, further enhancing the institutional quality of lower 16th Street.
63. ***Policy CW-1.1.13: Creating Active Street Life and Public Spaces.*** The proposed PUD and map amendment will create an active street life by providing ground floor retail, the reading room plaza and a minimum of three entrances into the building. The proposed streetscape improvements will also enhance the street.

Office of Planning Report

64. By report dated June 10, 2013, OP recommended approval of the proposed PUD and related Zoning Map amendment. In its report, OP stated that the proposal would not be inconsistent with the Land Use, Environmental Protection, Economic Development and Urban Design Citywide Elements, as well as the Central Washington area Elements of the Comprehensive Plan. OP concluded that the Applicant's proffered public benefits and project amenities were, given the size and nature of the project, appropriate in scope. OP suggested that additional information was needed to clarify how the monetary contributions would be spent. The Commission finds the letters submitted by the community organizations adequately clarify what efforts the contributions will support.
65. OP also opined that the roughly \$580,000 contribution to the Housing Production Trust Fund is not considered an amenity and does not relieve a project "*of the requirement to be found meritorious pursuant to the evaluation standards in § 2403*" (§ 2404.11). OP acknowledged, however, that the contribution is a beneficial consequence of the PUD in combination with the other proffered benefits and amenities. The Commission agrees that the contribution is a beneficial consequence of the PUD and that it also qualifies as a public benefit of the PUD because it would not likely be provided as a result of a matter of right project on this site.
66. The Commission finds that, consistent with OP's recommendation, the Applicant has provided sufficient detail on the nature of the financial contributions to Sasha Bruce Youthwork, Inc., Charlie's Place at St. Margaret's, and the Dupont Circle Citizen's Association.

DDOT Report

67. By report dated June 6, 2013, DDOT stated it had no objection to the Applicant's request for a PUD and related map amendment from SP-2 to C-3-C. Based on the Applicant's proposed project, TIS, and existing site conditions, DDOT concluded that the nominal amount of vehicular traffic generated can be accommodated without changes to the existing infrastructure. DDOT concurred with the transportation demand management strategies proposed by the Applicant in its TIS, and further recommended that the Applicant provide a transit screen in the main lobby of the office building to provide real-time publically accessible transit information, as well as reserved spaces for low-emission vehicles ("LEV") and electric-vehicle charging stations. The Applicant agreed to these additional measures at the hearing.

ANC 2B Report

68. By report dated May 18, 2013 and supplemented by letter dated June 17, 2013, ANC 2B recommended approval of the PUD and related map amendment. It noted that the proposed rezoning is consistent with the high-density commercial/high-density residential designation of the site on the Comprehensive Plan and the immediate vicinity of the site, much of which is zoned C-4. The ANC also found that the project amenities and public benefits of the PUD are extensive and commensurate with the flexibility in height, massing, and density requested for the project. They further noted that the project will not adversely affect neighboring properties.

Parties and Persons in Opposition

69. BFP testified as a party in opposition to the application. BFP's chief complaint was that the PUD would block the views from its windows at 1625 I Street, N.W., and have a significant impact on the owner's ability to provide adequate light and views to tenants on the east side of the building. BFP suggested a compromise design that would chamfer the top floor of the PUD, which would result in a reduction of approximately 1,000 square feet of space on the top floor of the Applicant's project. BFP stated its belief that the PUD would have a negative impact on the value of its property as it relates to the tenants in the building. A tenant of the building testified on behalf of BFP regarding potential negative impacts caused by the PUD on the light and views on the seventh through 11th floors.
70. At the encouragement of the Commission, the Applicant and BFP met on June 28, 2013, to determine whether they could resolve their differences on the PUD's design. Based on additional studies prepared and shared by the Applicant on the PUD design and west elevation finishes, BFP informed that Applicant that it now accepted the design of the PUD massing as it relates to BFP's east façade. (Exh. 53C, 53D.)

71. The Commission commends the parties for resolving their differences and finds that the project design will not significantly affect the light and views of the neighboring property.
72. Several other witnesses testified in opposition to the PUD based on: (i) the inappropriateness of rezoning the property from SP-2 to C-3-C; (ii) its lack of outstanding merit and design; (iii) the elimination of housing requirements for the site and noncompliance with the inclusionary zoning ("IZ") requirements; (iv) an inadequate contribution to the Housing Production Trust Fund; and (v) insufficient penthouse setbacks. With respect to rezoning, it was asserted that the current SP-2 zoning serves as an important buffer zone between residential and commercial district, which is to be protected under the Land Use Policy of the Comprehensive Plan (Policy LU-2.3.4). Opponents also cited the Central Washington Element of the Comprehensive Plan as further recognizing lower 16th Street has a unique and historic character that sets it apart from the area around it (CW-2.6).) (10A DCMR §§ 311.6, 1616.3.) Likewise, they cited general discussions in the Land Use Element as noting that high-density housing is a particular use along the 16th Street corridor between Scott Circle and the White House, and that with infill and renovations the entire focus area could become more residential and less dominated by office uses.
73. The Commission, however, must look to the totality of the Comprehensive Plan for guiding principles in the development of Central Washington and the Lower 16th Street area in particular. Policy CW-2.6.6 provided that the special character of Lower 16th Street between H Street and Scott Circle should be protected and enhanced. Since the adoption of the current version of the Comprehensive Plan in 2006, the boundaries of the 16th Street Historic District were extended southward to include the area between Scott Circle and H Street. As a result, the PUD site is subject to review by HPRB to ensure it is appropriately protected and enhanced. HPRB approved the concept of the PUD design as consistent with the character of the historic district. The Commission is thus satisfied that the project fulfills the Comprehensive Plan policies for Lower 16th Street.
74. Similarly, the project meets the objectives of Policy CW-2.6.1 to sustain the Golden Triangle/Franklin Square area as a prestige employment center by strongly supporting reinvestment in its office buildings to meet market demand. Here, the Applicant is reinvesting in office development on a site that is already used in part as office space. While it is also true that the Comprehensive Plan encourages the diversification of land use by capitalizing on opportunities for housing (see Policy CW-2.6.2) that does not mean that every site is appropriate for residential uses. Here, the Future Land Use Map designates this site for high-density residential *and* high-density commercial, thereby making the proposed commercial uses for the site compatible with Comprehensive Plan. In fact, by amending the Future Land Use Map to include the high-density commercial designation for this site, in addition to the existing residential designation, the Council

signaled its desire for this site to be developed for commercial uses. Otherwise, the amendment would be rendered meaningless.

75. As for the land use policy directed at maintaining mixed-use zone districts that serve as a buffer or transitional area between residential and commercial districts (LU-2.3.4), the Commission notes that the PUD site is surrounded exclusively by commercial uses – the closest residential uses are blocks away to the north and east. Consequently, there is no need to maintain a buffer where residential uses do not exist. Moreover, the SP-2 Zone District is *incompatible* with the Future Land Use Map's designation for high-density commercial uses since the SP-2 Zone District will not support them.
76. With respect to the design of the building, the Commission recognizes that not everyone appreciates architecture with the same eye. However, based on the HPRB recommendation, OP and the PUD evaluation standards, the Commission finds that the project is one of superior urban design, architecture, and landscaping as discussed elsewhere in this order. While opponents argued that recognizing an HPRB-approved design as part of the PUD's public benefits and amenities package would be "double-counting," the Commission finds otherwise. There is nothing that prevents the Commission from commending a design that was also found to be of high-quality by another review body. In fact, the Commission has done exactly that in numerous cases. (See Exh. 53B).
77. With respect to housing requirements, the Commission finds that the mixed-use designation of high-density residential and high-density commercial uses on the Future Land Use Map, and the proposed rezoning from SP-2 to C-3-C, do not require or eliminate any housing on the site. Presently, the site is occupied by a church and office building. The current SP-2 and proposed C-3-C Zone Districts both permit residential uses, but they do not require housing. A property owner may choose to provide only non-residential uses on the site, provided those uses do not exceed the non-residential FAR limits. Second, the IZ requirements are only triggered if 10 or more residential units will be constructed on a site. (11 DCMR § 2602.1(b).) The assertions regarding the sufficiency of the Housing Production Trust Fund contribution are unfounded. The calculation suggested by the witness does not comport with the standards set forth in § 2404.7, which is the only formula the Commission may apply. The Commission finds the calculations supplied by the Applicant, and independently verified by OP, to be accurate.
78. With respect to penthouse setbacks, the Commission finds that the Applicant has skillfully ensconced the mechanical equipment into the top floor of the building and has provided ample setbacks from the street, well beyond what would be required if the entirety of that floor were a mechanical penthouse. The modest relief requests along the alley elevation is reasonable and appropriate in order to protect street views and the 16th Street Historic District, consistent with the HPRB recommendation. The Commission

notes that the overall height of the building, including the mechanical penthouse, is only 112.3 feet and is well below the permitted 130-foot height limit, *excluding* a mechanical penthouse, in the C-3-C Zone District.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, or for yards and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments, which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD seeks an increase of less than one percent in the density of the building, as permitted under § 2405.3(b) of the Zoning Regulations. The modest increase has minimal impacts on the perceived bulk of the building, is necessary to the successful functioning of the building in order to accommodate separate mechanical equipment for the church, and is appropriate when balanced against the superior public benefits and amenities of the project.
5. In all other respects, the PUD complies with the development standards of the Zoning Regulations. The office, retail and religious uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area and the operation of city services are acceptable, given the quality of the public benefits in the project. Accordingly, the project should be approved.
6. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.

7. The Applicant's request for flexibility from the Zoning Regulations is not inconsistent with the Comprehensive Plan. The Commission also concludes that the project benefits and amenities are reasonable trade-offs for the requested development flexibility in accordance with § 2400.3 and 2400.4.
8. Approval of this PUD is appropriate because the proposed development is consistent with the present character of the area, and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the site 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.
9. The proposal to rezone the Property from the SP-2 to the C-3-C Zone District is not inconsistent with the Property's designation on the Future Land Use Map and the Generalized Policy Map.
10. 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 recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive. The Commission concludes, however, in contrast to OP's view, that the Applicant's contribution to the Housing Production Trust Fund does, in fact, constitute a public benefit of the PUD. The PUD evaluation standards under § 2403.9 clearly identify housing and affordable housing as one type of benefit that an applicant may choose to offer. Only when an applicant seeks an increase in office density over and above the amount permitted as a matter of right is it required to provide housing as one of its public benefits. In all other respects, an Applicant is free to choose which benefits it will offer as part of the PUD. The mandatory nature of the housing contribution does not diminish its beneficial qualities or change the standard by which we must measure benefits, that is, whether the contribution would likely result from development of the site under the matter-of-right provisions of the Zoning Regulations. The Commission concludes that a voluntary cash contribution of approximately \$580,000 to the Housing Production Trust Fund would not result from a matter-of-right project on this site. The Commission further notes that the Applicant had the option of partnering with an affordable housing provider to help finance or otherwise assist in the rehabilitation or production of new housing consistent with § 2404. This option has historically proved less expensive and was available to encourage the actual production of housing rather than an accumulation of funds that might languish before being used for actual construction. (See Z.C. Order No. 795 (February 6, 1998), at p. 2.) Moreover, in its recent technical amendments to the Zoning Regulations, the Commission explicitly stated that affordable housing provided in compliance with the Inclusionary Zoning requirements shall not be considered a public benefit. Had the Commission determined to similarly restrict credit for affordable housing contributions under the PUD regulations, it could have done so, but it chose not to do so. Therefore, the Commission

concludes that a contribution to the Housing Production Trust Fund may be deemed a public benefit under the PUD evaluation standards.

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 issues and concerns raised in the written report of the affected ANC. The Commission has carefully considered the ANC 2B's recommendation for approval and concurs in its recommendation.
12. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the applications for consolidated review and approval of a planned unit development and related map amendment from the SP-2 to the C-3-C Zone District for the property located at Lot 41 in Square 185. 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. The approval of this PUD is subject to the guidelines, conditions, and standards set forth below.

A. Project Development

1. The PUD shall be developed in accordance with the plans and materials submitted by the Applicant, dated May 28, 2013, and marked as Exhibit 21A in the record, as supplemented by Exhibits 25A, 40, 41A4, and 53A ("Plans"), and as modified by the guidelines, conditions, and standards of this Order.
2. In accordance with the plans, the PUD shall be a mixed-used project consisting of approximately 141,026 square feet of gross floor area. Approximately 125,190 square feet of gross floor area will be devoted to commercial office uses, approximately 4,098 square feet of gross floor area will be devoted to retail and service uses, and approximately 11,738 square feet of gross floor area will be devoted to religious/institutional uses. The PUD shall have a maximum density of 8.07 FAR.

3. The PUD shall be constructed to a maximum height of 112 feet, 3.5 inches, inclusive of the mechanical penthouse, which is located on the same level as the ninth floor.
4. The PUD shall provide parking for no less than 93 vehicles, as shown on Exhibit 25A.
5. The Applicant shall have zoning flexibility with the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - b. To vary the number, location and arrangement of parking spaces shown on Exhibit 25A, provided that parking shall be provided for no fewer than 93 vehicles;
 - c. To vary the final selection of the exterior building materials and public space 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 refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, to comport with final design comments from the Historic Preservation Review Board, the DDOT Public Space Committee, or that are otherwise necessary to obtain a final building permit;
 - d. To locate the mechanical penthouse portion of the top floor flush with the exterior wall of the building at the alley elevation, as shown in the Plans; and
 - e. To increase the overall density permitted under the PUD guidelines for the C-3-C Zone District to no more than 8.07 FAR.

B. Public Benefits

1. Public Space Improvements. Subject to approval by DDOT, the PUD shall provide public space improvements as shown on the Plans, extending the full length of the block on 16th Street between K and I Streets, as well as the I Street frontage of the PUD site and the K Street as shown on the plans.

2. Transportation Demand Management ("TDM") Measures. The Applicant shall implement the following TDM measures at the PUD:
 - a. Providing a minimum of 45 spaces for bicycle parking/storage, which exceeds the minimum requirement;
 - b. Unbundling the cost of a lease or purchase of parking spaces from the leased office space; parking costs will be set at no less than the charges of the lowest fee garage located within one-quarter of a mile;
 - c. Prior to the issuance of the certificate of occupancy, identifying a project's TDM Leader (for planning, construction, and operations), and providing DDOT/Zoning Enforcement with annual TDM Leader contact updates;
 - d. Posting all TDM commitments on-line through the property management website, publicize availability, and allow the public to see what commitments have been promised;
 - e. Providing reserved spaces for carpools that are within the first five spaces closest to the elevators serving the building on either P2 or P3; and providing website links to Commuter/Connections.com and goDCgo.com on developer and property management websites; and
 - f. Installing a Transportation Information Center Display (kiosk) or similar electronic information device within the office building containing information and materials related to local transportation alternatives; ensuring that bike commuters will have access to shower/changing facilities available in the building; providing a transit screen or similar electronic information device in the main lobby of the building to provide real-time publicly accessible transit information; and providing a reserve space for low-emission vehicles (LEV) and electric vehicle charging stations.
3. LEED Qualification: The PUD shall be designed to meet a LEED-Gold rating, consistent with the score sheets submitted with the Plans but the Applicant shall not be required to obtain the certification from the United States Green Building Council.
4. Housing Linkage: The Applicant shall pay \$579,587.24 to the Housing Production Trust Fund managed by the D.C. Department of Housing and Community Development. Consistent with § 2404.9 of the regulations, not less than one-half of the required total financial contribution shall be made prior to the issuance of a building permit for any part of the office component of the PUD,

and the balance of the total financial contribution shall be made prior to the issuance of a certificate of occupancy for any part of the office component of the PUD. The total amount of the contribution shall be adjusted, as necessary, to reflect the final square footage calculations submitted with the building permit application.

5. The Christian Science Reading Room shall be open to the public, and signage indicating that the general public is welcome shall be displayed.
6. Contributions to Community Organizations: Prior to issuance of the building permit, the Applicant shall contribute funds to the following community organizations to support their efforts as described below. Prior to the issuance of the Certificate of Occupancy, the Applicant shall provide letters from these organizations verifying that the services funded have been or are being provided:
 - a. *Sasha Bruce Youthwork, Inc.* – The Applicant shall contribute \$20,000 to this organization, which helps at-risk and homeless youth in the District of Columbia. Services include finding safe homes, counseling, educational, and career opportunities. The contribution will enable the training of youth to sell food and flowers grown in their gardens;
 - b. *Charlie's Place at St. Margaret's Church* – The Applicant shall contribute \$20,000 to this organization, which assists homeless men and women through education, encouragement, and self-reliance. The contribution will support weekend services to provide meals, case management series, distribution of clothing, toiletries and mail, and phone access. The contribution will also support on-site nursing services to provide health screenings, blood pressure testing, HIV testing and long-term healthcare planning; and
 - c. *Dupont Circle Citizens Association* – The Applicant shall contribute \$10,000 to this organization, which will be used to support the Dupont Circle Resource Center to include renovations, maintenance and repairs of the space, improvements to the center's security, signage, technology, furniture and landscaping. The space is used as a substation for National Park Service Police and the Metropolitan Police Department, and as a meeting space for several organizations.

C. Miscellaneous

1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The PUD shall be valid for a period of two (2) years from the effective date of Z.C. Order No. 13-04. Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1; the filing of the building permit application will vest the Order. Construction of the project must commence within three (3) years of the effective date of Z.C. Order No. 13-04.
3. 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 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 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.

On July 29, 2013, upon the motion of Chairman Hood, as seconded by Commissioner May, the Commission **APPROVED** the applications at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Michael G. Turnbull and Peter G. May to approve).

On September 9, 2013, upon the motion of Commissioner Miller, as seconded by Commissioner May, Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Michael G. Turnbull, and Peter G. May to adopt).

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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 October 4, 2013.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING