

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 310-A
Case No. 91-7M/79-13
(PUD Modification & Map Amendment - IMF)
April 6, 1992

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on September 23 and November 14, 1991. At those hearing sessions, the Zoning Commission considered an application from the International Monetary Fund (IMF) for a modification to a previously approved planned unit development (PUD) and related map amendment, pursuant to Chapter 24 and Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on April 17, 1991, requested a modification to a previously approved PUD constructed on Lot 49 in Square 120. The application requested an addition to the PUD and related change of zoning from R-5-C to C-3-C for Lot 826 and a public alley proposed to be closed in Square 120.
2. The PUD modification would provide for the implementation of the last phase of a three-phase development for Square 120. The last phase (also known as Phase III) of the development of the square is to construct an addition to the International Monetary Fund (IMF) Headquarters Building on the subject PUD site (Phase III site). The Phase III development will require that the following be done:
 - a. Increase the overall floor area ratio (FAR) of the entire building from 7.676 to 9.07 by constructing an addition with an FAR of 10.11;
 - b. Eliminate the existing mini-park at the southeast corner of 19th and H Streets, and the west side of the public alley;
 - c. Redevelop the one-story portion of the existing building at the southwest side of the public alley to a height of 130 feet; and
 - d. Redesign the 19th Street entrance to the existing building.

ZONING COMMISSION ORDER NO. 310-A

Z.C. CASE NO. 91-7M/79-13

PAGE 2

3. The Phase III site measures 28,242 square feet in land area; is improved, in part, with the Western Presbyterian Church which is situated on Lot 826; and is located on the south side of the 1900 block of H Street N.W.
4. Square 120 is bounded by 19th, 20, G and H Streets; consists of a public alley and lots 49 and 826; and measures 114,017 square feet in land area. Square 120 is split-zoned R-5-C and C-3-C. Lot 826 is presently zoned R-5-C and Lot 49 is presently zoned C-3-C.
5. Phase I of the IMF Headquarters PUD project was approved in Z.C. Case Nos. 68-69 and 68-70, and by Board of Zoning Adjustment (BZA) Appeal Nos. 10040 and 10297. By the orders resulting from the above proceedings, the Commission also granted conceptual approval for the development of the entire square in three phases pending the IMF's acquisition of Lot 826, the site of the Western Presbyterian Church.
6. Phase II of the IMF Headquarters building was constructed, pursuant to Z.C. Order No. 310 dated April 10, 1980 (Case No. 79-13). The IMF building presently has 754,535 square feet of gross floor area, a height of 130 feet, a floor area ratio (FAR) of 7.676, a lot occupancy of approximately 78 percent and parking spaces for 717 vehicles which were provided during the construction of Phase I of the project.
7. The instant application proposes to complete the development of the entire square with the Phase III addition as anticipated in Z.C. Order No. 310, Condition 15 which states as follows:

"If and when the IMF shall purchase, lease, or otherwise gain effective control over the use of Lot 826 in Square 120 now owned by the Western Presbyterian Church, no use of the property by the IMF shall be established without prior approval of the Zoning Commission."
8. In 1990, the IMF acquired Lot 826, and is now the owner of the entire Square 120. The IMF has also agreed to provide a new site for the relocation of the Western Presbyterian Church at 2401 Virginia Avenue, N.W. The church is not an applicant in these proceedings, and the relocation of the church is not offered as a public amenity.
9. The proposed Phase III addition contains approximately 280,319 square feet. The height will be 130 feet, consistent with the height of the existing building. The floor area ratio (FAR) will be 10.11, and the overall FAR will be 9.07.

10. The IMF has added 12 new member countries since the approval and construction of the Phase II development. This has resulted in about a 20 percent increase in employees. The end of the Cold War has led a number of European countries to apply for membership and assistance in transforming their economies to market economics. The IMF workload and space needs are expected to further increase. The Phase III addition is designed to respond to these needs.
11. Two important occurrences, since the initial approval in 1969, strengthen the rationale for the location of the IMF at this site and for the completion of the development.
 - a. The adopted District of Columbia Generalized Land Use Map designates the site for high density commercial use.
 - b. The Federal Element of the Comprehensive Plan (Foreign Missions and International Organizations) favors retention of existing international organizations at locations in proximity to U.S. and other international organizations, and the expansion of such facilities in areas with compatible land uses. The IMF Headquarters location, in close proximity to its sister organization, the World Bank, as well as the U.S. Department of State and Department of Treasury and other international organizations and institutions, is most appropriate and conducive to efficiency of operation.
12. The IMF is the international agency primarily responsible for regulating the international monetary system -- the system of exchange rates between national currencies that supports a liberal and expanding system of international trade. The IMF performs this essential service for its 155 member nations, the largest of which in economic terms is the United States. Since its establishment in 1946, the headquarters of the IMF has always been located in Washington, D. C. Prior to 1973, the IMF shared space in a building with the World Bank at 1818 H Street, N.W., just east of the IMF's present location.
13. The IMF works closely with the World Bank, and the two jointly maintain certain facilities which are essential to their operations, such as a computer center and a library containing over 150,000 catalogued books in 30 languages and over 5,000 pamphlets and subscriptions to more than 3,000 newspapers and periodicals. Besides supervising the international monetary system and providing financial support for its members, the IMF helps its members through educational programs and by providing technical assistance to member governments. In addition, the IMF issues a wide variety of publications. The

educational services in particular, provided through the IMF Institute, have expanded and intensified considerably over the years as the requirements of developing countries increase.

14. The R-5-C District permits matter-of-right medium/high density development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 3.5, and a maximum lot occupancy of seventy-five percent.
15. The C-3-C District permits matter-of-right development of major business and employment centers of medium/high density, including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum FAR of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one hundred percent.
16. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this modification application as a final stage PUD. The Commission may also impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified above for height, FAR, lot occupancy, parking, and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as a special exception and would otherwise require approval by the Board of Zoning Adjustment (BZA).
17. The District of Columbia Generalized Land Use Map of the Comprehensive Plan of the National Capital designates the area of the PUD site as being within the high density commercial land use category.
18. The applicant, by testimony presented at the public hearing, stated that the increase in member countries in recent years, the role of the IMF in the international debt crisis, and the events in Eastern Europe, have put a strain on the space available for personnel. In response, the IMF has been forced to locate 400 of its staff in leased space several blocks away. This arrangement has a negative impact on security, efficiency and costs. The Headquarters Building differs from a standard office building in the following respects:
 - a. The nature of the use is different because large conference space is necessary for international conferences and simultaneous translation;

- b. Because of the high percentage of professional staff, particularly economists, the space per employee is greater than an average leased office building; and
 - c. The atria, cafeteria, library and Visitors' Center are not typical for a commercial office building, but are required in the headquarters of a prominent international organization such as the IMF. The total results in an average gross floor area per employee of about 450 square feet.
19. The applicant further indicated that of the 2,300 officers and staff from all over the world, about 25 percent reside in the District of Columbia. Much of the IMF's administrative budget, \$330 million per year, is spent locally in the procurement of goods, supplies and services. Other benefits to the District are the contributions to Washington's status as an international center, and the cultural and informational contributions provided by the library, Visitors' Center and special events. The Visitors' Center alone drew 40,000 people to the films, seminars, and major exhibitions held there over the past year.
20. The project architects have been involved with the IMF since the late 1960's in the development of the master plan of the entire block and the Phase I and Phase II construction.
21. The architects indicated that the Phase III addition will be faced with limestone and deeply articulated to match the existing building; that it will involve 280,319 square feet of gross floor area; and that the building will be organized around a central atrium. The increased density in Phase III is a result of the atrium being only a partial atrium in height. In order to accommodate additional demands for support and ancillary space, full floor plates were necessary. The typical office floor, consisting of private offices and support areas to those offices located around the internal atrium and exterior wall, provides as much light and air as possible, consistent with Phase I and II.
22. The construction of Phase III will allow for the relocation of the Visitors' Center from below grade to pedestrian level. The new Visitors' Center will contain 16,000 square feet. A 150-seat auditorium will also be provided.
23. The roof structure of Phase III is set back between 9.5 and 10 feet for a distance of approximately 73.3 feet on the 19th Street frontage. The roof structure on Phase III is designed to match the existing roof structures on Phases I and II in height and design, and to meet the setback requirements for

the remainder of the Phase III frontage. The Phase III penthouse is 21 feet in height. An additional height of 2.5 feet is necessary to provide for adequate air flow to the building. The roof structure is removed from the property line 36.5 feet, and therefore will not adversely impact any neighboring property.

24. The applicant's landscape architect testified that the landscape design creates an interactive public open space; enhances public access and awareness to the site; and expresses the IMF main entrance. The landscape architect contrasted the proposed plan with the existing character of the site, which involves a minimal street-tree planting system, a four-sided walkway system and minimal planting. The proposed landscape scheme, which includes public space as well as IMF property, contains approximately 65,000 square feet, as contrasted with the existing mini-park which contains only 6,751 square feet.
25. The design provides a curbside program, a new street-tree system, walkway widths which provide adequate space for peak pedestrian movements, U-shaped niches with mini-gardens and seating provided at 20th, G and H Streets, and a major open space area on 19th Street. The landscape treatment on 19th Street includes street trees which create a separation between the curb and building facade and emphasizes the new porte-cochere and a water garden which extends the entire length of 19th Street. The water gardens include planting, stonework and eight distinct water features. In terms of lighting, the street lighting on all four sides of the building will be supplemented with public-improvement lighting including lantern lights and uplighting. Special lighting will be provided on 19th Street to emphasize the entrance porte-cochere, Visitors' Center and water gardens. Plant materials will be provided on all four sides of the building to enhance and complete the building's design and that rotational planting will occur along 19th Street which will include flowering plants and evergreens.
26. The applicant's traffic consultant indicated that the public transportation serving the site is excellent. The report states that there are five metrobus lines that stop at the corner of 19th and G and six additional routes within one block. The metrorail station is two blocks away at 18th and I Streets. The IMF now actively promotes the use of the metro system and car pooling/van pooling which results in trip mitigation. There is adequate on-site parking and loading space. Consolidation of the IMF employees at one site will

enhance ridesharing opportunities. The surrounding intersections operate at acceptable levels of service. The report concludes that the PUD would have no adverse impact on the traffic conditions in the area.

27. The District of Columbia Office of Planning (OP) by report dated September 13, 1991 and January 3, 1992, and by testimony presented at the public hearing, recommended conditional approval of the application. The conditional recommendation for approval relates to the concerns of the community regarding the impacts that the relocation of Western Presbyterian Church and its related feeding program would have on the community. OP also recommended that the IMF work with the community to help resolve their objections to the relocation of the feeding program.
28. OP in its report further stated as follows:
 - a. The site is designated high density commercial on the Generalized Land Use Map of the Comprehensive Plan, which would justify C-3-C or C-4 zoning.
 - b. The bulk of the Phase III proposal is compatible with the existing building's bulk and envelope. The proposed landscape improvements would provide major interactive streetscape elements.
 - c. The presence of the IMF in Washington, D. C. is an amenity that furthers the city's role as an international city.
 - d. The new IMF Visitors' Center would be substantially expanded.
 - e. The loss of the existing Western Presbyterian Church building and the small park, and the relocation of the Church and its feeding program, would be negative amenities.
 - f. The connection between the Church's feeding program and the subject application is tenuous.
29. The District of Columbia Department of Public Works (DPW), by memorandum dated September 13, 1991, concluded that the proposed addition will have no measurable adverse impacts on the transportation nor the water and sewer systems in the area. DPW indicated that existing parking and loading facilities are adequate to accommodate the headquarters building after Phase III is complete.

30. The District of Columbia Metropolitan Police Department (MPD), by letter dated August 16, 1991, did not oppose the application.
31. The District of Columbia Department of Recreation and Parks (DRP), by memorandum dated August 12, 1991, indicated that DRP was pleased with the proposed landscape treatment and believed it to be a high quality amenity.
32. The District of Columbia Department of Finance and Revenue (DFR), by memorandum dated August 30, 1991, had no objections to the application.
33. The Advisory Neighborhood Commission (ANC) 2A submitted a resolution, passed at its September 12, 1991 meeting, and offered testimony in opposition. The resolution raised objections to the proposed rezoning of Lot 826 and the closing of the alley; the FAR increase above the PUD guidelines for the C-3-C District; the FAR increase above the level approved in Phases I and II; the "actual" FAR of Phase III; the value of the FAR increase to the IMF; the loss of the mini-park and related open space; the inadequacy of the amenities package; the lack of necessity in consolidating all of the IMF's operations; the lack of detail in the anticipated revenue and employment to be gained; and the anticipated negative impact of the feeding program to be relocated with the church to 2401 Virginia Avenue, N.W. The ANC would like to locate the feeding program to the IMF building or other building nearby.
34. ANC-2A was also opposed to the relocation of the Church's feeding program on the grounds that it will negatively impact the residents of the area surrounding 24th and G Streets. The ANC stated the fears of the residents, which are based on anticipated problems of littering, panhandling, verbal abuse, molestation and insecurity from the homeless who attend the program.
35. ANC-2A, through its expert in urban planning, testified that the FAR of Phase III is substantially greater than envisioned in the original approval. She stated that the approval of Phase II required the applicant to provide the mini-park and to do restoration work on a portion of the Church wall, thus evidencing that the Zoning Commission envisioned Phase II as the last phase of development.
36. The ANC's planning expert further indicated that the project is inconsistent with the Comprehensive Plan. In particular, she pointed out that the existing zoning of Lot 826 is residential, which would have to be changed to commercial.

Further, she criticized the "office only" use of the building, despite the Comprehensive Plan's language about encouraging a mix of uses. She testified that the urban design element of the Comprehensive Plan would not permit the overly dense development proposed in Phase III. Finally, she criticized the loss of the mini-park and Church as loss of "open space and historic areas", and states that the proposed streetscape improvements are ornamental for the building only, and not a benefit to the public.

37. Western Presbyterian Church, which was admitted as a party in support, by its representatives, indicated that the Western Presbyterian Church was formed in Foggy Bottom in 1855, and has been in the present building since 1931. The Pastor, one of the representatives, explained that the agreement with the IMF required the IMF to exchange properties, which had occurred, and for the IMF to rebuild the Church sanctuary on the new location. The Church is committed to the agreement, as it is committed to the various programs it administers and sponsors, including the feeding program.
38. The Pastor also testified that if the feeding program could not be run responsibly, it would not be continued. He repeated certain controls such as security guards and additional volunteers that would be added if necessary.
39. Two persons testified in support of the application, including the Pastor of the Church of the Redeemer, and a Foggy Bottom resident who lives in close proximity to the IMF site and is an employee of the State Department. He submitted a petition containing 82 names of Foggy Bottom residents in support.
40. Citizens for a Responsive ANC-2A (Citizens) was admitted as a party in opposition. Citizens, through its representatives, endorsed the opposition of the ANC and reiterated many of the points raised by ANC-2A, including the rezoning of Lot 826 to commercial and its value to the IMF, the increase in FAR, and the value of the amenities offered. Citizens testified that the neighbors had filed a landmark application with the Historic Preservation Review Board in order to designate the Church as an historic landmark and retain it at its present location. Citizens also expressed opposition to the proposed relocation of the Church's feeding program to a residential area.
41. The Foggy Bottom Association (FBA) was admitted as a party in opposition. Its representative testified that FBA endorsed the ANC resolution in opposition. FBA criticized the loss of the mini-park, the relocation of the feeding program and its impact on the neighborhood, and did not consider the Visitors'

Center a public amenity in that its events are not publicized very well and occur during the workday. FBA urged the Commission to deny the PUD based on the historic merit of the Church.

42. Several individuals testified in opposition, including many residents of the Potomac Plaza and Potomac Plaza Terrace apartment buildings and other residents in proximity to the new site of the church.
43. The Commission finds that the proposed PUD is consistent with the requirements set forth in 11 DCMR Section 2400. Approval of the PUD will facilitate the completion of well-planned development, evidences sound project planning and efficient and economical land utilization. The Phase III architecture, consistent with the existing building, evidences attractive urban design.
44. In approving the increase in density as provided in 11 DCMR 2400.6, the Commission finds that the PUD does not conflict with the development plans and policies of the District, that the project will enhance the international financial precinct, and will provide future occupants with a working environment and amenities superior to those that would be achieved otherwise. In support of these findings, the Commission notes the Comprehensive Plan designation of the site as high density commercial, and the numerous sections in the Federal Element of the Comprehensive Plan which directs the encouragement of existing and expanded international organizations in present locations, in proximity to other such institutions.
45. The Commission finds that the applicant has met its burden of proof. In order for the Commission to approve the increase in density above the PUD guidelines, the applicant had to meet its burden of demonstrating the public benefits and other meritorious aspects of the proposal. Those benefits, as outlined by the applicant, include the superior architectural design, the interactive landscaped area, the Visitors' Center (which will triple in size), the transportation management program and the overall indirect benefits to the District resulting from the presence of this prominent international organization.
46. The Commission makes the following findings in response to the issues raised by the ANC and the other parties and persons in opposition:
 - a. The issue of the relocation of the Western Presbyterian Church, and the programs associated with it are not

properly before the Commission. The Church is not an applicant, nor is it offered as an amenity of the PUD. Moreover, the Church representatives have offered controls outside the scope of these proceedings which provide substantially greater assurances than would be available if the Church moved as a matter-of-right. Therefore, the Commission makes no findings as to the Church or its programs on the basis that these issues are not germane to this application;

- b. With regard to the rezoning of Lot 826, the Commission finds that this action is wholly justified on the basis of the prior approvals of the Zoning Commission, and the Comprehensive Plan designation for the area;
- c. The FAR increase to 9.07 is a function of the original approval of the development of the square, the approved height of 130 feet, and the footprint. The FAR is within the envelope originally approved when the development plan for the square was approved in 1969. With regard to the increase above the level approved in Phase II, the Commission finds that the applicant adequately explained the justification for the increase, including the nature of the use and the atria, translation and international communication needs, and other unique space utilization. The Commission further finds that the designation of high density commercial, and the surrounding development would have justified a request for rezoning to C-4, which would permit a 10.0 FAR as a matter-of-right;
- d. With regard to the valuation of the amenities offered, the Commission finds that the applicant has met its burden of proof required under Chapter 24. The Commission will not engage in an analysis of the dollar figures attributed by the opponents to the increase in FAR as compared to the value of the amenities offered;
- e. The mini-park and restoration work associated with the Phase II approval is challenged on the basis that this indicates that no further development would be approved. These assertions are flatly contradicted by Condition No. 15 in Z.C. Order No. 310 which directs the IMF to return to the Zoning Commission if and when it gained control of Lot 826. The Commission finds that these amenities offered as part of the Phase II approval were viewed as interim in nature;
- f. The Commission finds that the Phase III PUD is not inconsistent with the Comprehensive Plan; and

- g. Certain issues unrelated to the PUD application, such as the landmark application and the alley closing, are not proper issues for consideration by the Zoning Commission.
47. The Commission finds, in response to comments by OP to the fact that the applicant should participate in resolving the community's concerns, that the connection between the Church's feeding program and the application is tenuous; even though the matter has come to the attention of the Commission.
48. In response to the Commission's concerns about lighting and safety, the applicant improved and presented an analysis of its lighting plan in order to demonstrate that adequate pedestrian lighting will be provided. The Lighting Analysis was submitted to the record on November 12, 1991. The Lighting Analysis contains additional light sources and a clarification of the levels of lighting to be provided.
49. In response to a question from the Commission, and later in a posthearing submission dated December 3, 1991, the Pastor of the Western Presbyterian Church went further in offering to submit to an impartial panel which would review the church's feeding program after implementation to determine whether it is being run responsibly.
50. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated April 2, 1992, indicated that the proposed action would not adversely affect the Federal establishment or other Federal interest or be inconsistent with the Comprehensive Plan for the National Capital.
51. By letter dated February 18, 1992, counsel for ANC-2A and FBA requested the Commission to reopen the record to permit the parties an opportunity to comment on a letter dated December 2, 1991 from the Pastor of the Western Presbyterian Church.
52. By letter dated March 11, 1992, the Office of Zoning informed the parties that the Chairman of the Zoning Commission reopened the record for a limited time to permit parties to respond to the Pastor's letter.
53. On April 6, 1992 at its regular monthly meeting, the Zoning Commission considered letters in response to the Pastor's letter from the Foggy Bottom Association dated March 26, 1992, ANC-2A dated March 27, 1992, and Citizens for a Responsive ANC-2A dated March 27, 1992. The Commission determined that

the question of what group should have the authority to establish a liaison committee is a contentious issue in the neighborhood, and that there should be shared authority in the formation and control of the committee.

CONCLUSIONS OF LAW

1. This is the last phase of development first approved by the Commission in 1969. The Phase III addition is in substantial conformance with the approval of the plan for the entire square.
2. Approval of this PUD modification is not inconsistent with the Comprehensive Plan, which was adopted subsequent to the approval and completion of Phase II, including the designation of the site as high density commercial, and the language in the Federal Element.
3. The proposed PUD modification meets the minimum area requirements of Section 2401.1 of the Zoning Regulations.
4. The planned unit development process is an appropriate means of controlling development of the subject site.
5. Approval of this PUD modification application is appropriate, because the application is generally consistent with the present character of the area.
6. The Commission takes note of the position of Advisory Neighborhood Commission 2A, and in its decision has accorded to the ANC the "great weight" consideration to which it is entitled.
7. The approval of the application would promote orderly development 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.
8. The proposed application can be approved with conditions which would insure that development would not have an adverse effect on the surrounding area.

DECISION

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission for the District of Columbia hereby orders approval of a modification to the previously approved planned unit development and a change of zoning from R-5-C to C-3-C for Lot 826 and the public alley that is proposed to be closed, located in Square 120, subject to the following guidelines, conditions, and standards:

1. The planned unit development modification and the addition (IMF Phase III) approval shall be developed in accordance with the plans prepared by Brinton N. West, a principal of the Kling-Lindquist Partnership, dated March 29, 1991, and marked as Exhibit Nos. 6 and 28 of the record, as modified by the guidelines, conditions, and standards of this order.
2. The use of the addition included in the PUD modification shall be limited to office, and other related uses of the International Monetary Fund (IMF).
3. The floor area ratio (FAR) of Phase III shall not exceed 10.11 and the overall FAR for the entire structure shall not exceed 9.07.
4. The gross floor area of Phase III shall not exceed 280,319 square feet and the overall gross floor area of the entire structure shall not exceed 1,034,854 square feet.
5. The height of the Phase III addition shall not exceed 130 feet and the roof structure shall be compatible with the roof structure of the existing building.
6. No additional underground parking spaces and/or loading berths shall be required.
7. The IMF/applicant shall use its best efforts to ensure that Western Presbyterian Church and ANC-2A establish a liaison committee with substantial representation from the neighborhood surrounding the church's new location to monitor the relocation of the church and its programs within the neighborhood, and report its findings to the ANC.
8. The applicant shall report to the Commission within 90 days in writing, what steps have been taken to ensure the establishment of the liaison committee to monitor the relocation of the church and its programs.
9. The change in zoning from R-5-C to C-3-C for Lot 826 and the public alley that is proposed to be closed in Square 120 shall become effective upon recordation of a covenant as required by Section 2406.12 of the Zoning Regulations.
10. No building permit shall be issued for this planned unit development modification until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, that is satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory

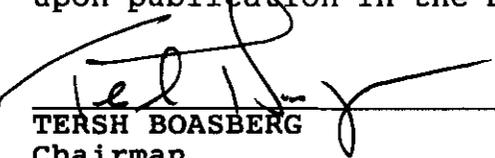
Affairs (DCRA), which covenant shall bind the applicant and all successors in title to construct on and use this property in accordance with this order or amendment thereof by the Zoning Commission.

11. The Office of Zoning shall not release the record of this case to the Zoning Division of the DCRA until the applicant has filed a certified copy of said covenant with the records of the Zoning Commission.
12. This modification to the PUD approved by the Commission shall be valid for a period of two years from the effective date of this order. Within that time, application must be filed for the building permit, as specified in 11 DCMR 2407.2 and 2407.3. Construction shall start within three years of the effective date of this order.
13. Pursuant to D.C Code Sec. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2038, as amended, codified as D.C. Code, Title 1, Chapter 25, (1987 Repl. Ed.), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Division of DCRA to approve permits, if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

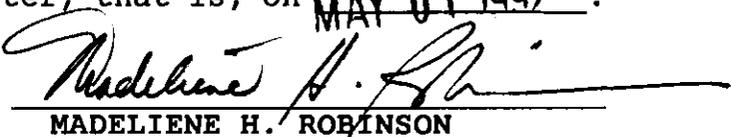
Vote of the Zoning Commission taken at the public meeting on February 10, 1992: 3-0 (Lloyd D. Smith, John G. Parsons, and Tersh Boasberg to approve with conditions - Maybelle Taylor Bennett and William L. Ensign not voting not having participated in the case).

This order was adopted by the Zoning Commission at its public meeting on April 6, 1992, by a vote of 3-0 (John G. Parsons, Tersh Boasberg to approve and Lloyd D. Smith to approve by proxy - Maybelle Taylor Bennett and William L. Ensign not voting not having participated in the case).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on MAY 01 1992.



TERSHER BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning