

**Government of the District of Columbia**  
**ZONING COMMISSION**



ZONING COMMISSION ORDER NO. 421  
Case No. 83-13C  
February 13, 1984  
(Village at McLean Gardens)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on November 28 and December 5, 1983. At those hearing sessions, the Zoning Commission considered an application from the CB Associates Limited Partnership/VMG Associates for consolidated review and approval of a Planned Unit Development (PUD), pursuant to Section 7501 of the Zoning Regulations of the District of Columbia. The application also requested a related change of zoning, pursuant to Section 9101 of the Regulations. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application, which was filed on August 30, 1983, requested consolidated review and approval of a PUD for lots 1, 2, and 3 in Square 1819 and for lots 1, 2, 5, 6, and 7 in Square 1821. The application also requested a related change of zoning from R-5-A to R-5-B and C-2-B or, in the alternative, from R-5-A to C-2-B in Square 1819, and from R-5-A to R-5-B and C-2-A or, in the alternative, from R-5-A to R-5-B and C-2-B in Square 1821.
2. The application proposed the construction of a mixed-use development including residential, retail and service, and office uses.
3. The application, as originally filed, proposed that the total development would have a maximum building height of ninety-feet, a floor area ratio (FAR) of 1.31, 569 dwelling units, 643 parking spaces, three loading berths, and a lot occupancy of twenty-eight percent.
4. The R-5-A District permits matter-of-right development of single-family detached and semi-detached dwellings, and, with the approval of the Board of Zoning Adjustment, flats and apartments to a maximum lot occupancy

of forty percent, a maximum FAR of 0.9, and a maximum height of three-stories/forty feet.

5. The R-5-B District permits matter-of-right medium density development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum FAR of 1.8, and a maximum height of sixty feet.
6. The C-2-A District permits matter-of-right low density development including office, retail, and all kinds of residential uses to a maximum FAR of 2.5 with non-residential uses limited to 1.5 FAR, a maximum height of fifty feet, and a maximum lot occupancy of sixty percent for residential uses.
7. The C-2-B District permits matter-of-right medium density development including office, retail, and all kinds of residential uses to a maximum FAR of 3.5 with non-residential uses limited to 1.5 FAR, a maximum height of sixty-five feet, and a maximum lot occupancy of eighty percent for residential uses.
8. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines, and standards which may exceed or be lesser than the matter-of-right standards.
9. The PUD site consists of 9.4 acres, is located at McLean Gardens, and is bounded by Wisconsin Avenue to the east, Idaho Avenue to the southeast, Newark Street to the south, 38th Street to the west, and Rodman Street to the north.
10. The PUD site is a portion of the McLean Gardens complex. The 33.6 acre portion of the McLean Gardens complex that is not the subject of this application is improved with thirty-one garden apartment buildings. These apartment buildings contain 720 dwelling units, all of which have been declared and recorded as a part of the McLean Gardens Condominium.
11. The entire McLean Gardens complex, which is forty-three acres in size, has changed ownership several times since 1941. In 1970, International Telephone and Telegraph was granted preliminary approval for a planned unit development which proposed demolition of all buildings and the construction of a 4.7 million square feet mixed-use project (Z.C. Order No. 6, October 29, 1970). Final approval was granted on January 20, 1972 (Z.C. Order No. 43) which also rezoned most of the site to R-5-B and a portion to C-3-A. The project was never initiated, although the dormitories

- on the Wisconsin Avenue frontage were demolished in 1975.
12. On September 13, 1982, McLean Gardens Limited Partnership was granted preliminary approval in Z.C. Order No. 383 for a planned unit development which proposed a maximum of 625 dwelling units, a minimum of 772 parking spaces, a maximum FAR of 1.95, a maximum lot occupancy of fifty-four percent, and a maximum of 46,000 square feet to commercial space. Subsequent to the issuance of Zoning Commission Order No. 383, the Holladay Corporation entered into a contract with CB Associates Limited Partnership to acquire the site. CB Associates Limited Partnership acquired the ground on June 3, 1983 from the McLean Gardens Limited Partnership.
  13. The PUD site comprises all of Square 1819 on the south and all of Square 1821 on the north, both zoned R-5-A in their entirety. The site is vacant, having been cleared of the originally constructed dormitories, except for the existing administration building fronting on Porter Street which is proposed to be incorporated into the planned project. The site slopes gradually from north to south and from east to west. There is a stone wall along the entire Wisconsin Avenue frontage, and a number of mature trees along the street frontages of the PUD site.
  14. To the south across Idaho Avenue is a commercial area zoned C-2-A fronting on Wisconsin Avenue. Across Wisconsin Avenue from this C-2-A zone are a number of apartment houses and a nursing home on land zoned R-5-B and R-5-C. The apartment buildings are built to the property line fronting on Wisconsin Avenue and reach the height limit of ninety feet with eight to ten stories. The R-5-C zone continues south along the west side of Wisconsin Avenue. Behind the high density frontages along Wisconsin Avenue lies the R-1-B zone district largely developed with single-family homes. South of Woodley Road, the R-1-B zone district extends to Wisconsin Avenue where the National Cathedral complex is located.
  15. To the southwest of the PUD site is the Second District Police Headquarters, a public park, and the Newark Street Community Gardens in the R-5-A zone district. South of this area are single-family homes and the Washington Hebrew Congregation in the R-1-B zone district. An area zoned R-5-B is located at Macomb Street and Idaho Avenue behind the C-2-A frontage along Wisconsin Avenue.
  16. Directly to the north of the PUD site across Rodman

Street, existing McLean Gardens buildings extend to Wisconsin Avenue. Abutting McLean Gardens to the north is the headquarters of the Federal National Mortgage Association (FNMA). Beyond FNMA to the north along Wisconsin Avenue is a general mix of office buildings, retail commercial and restaurant space, and medium density apartment houses. Generally, building heights are about sixty feet. This area to the north is zoned C-3-A.

17. To the east of the PUD site across Wisconsin Avenue is a mixture of land uses including the Sidwell Friends School, a ninety foot apartment building and a mixture of institutional, townhouse and commercial uses with R-5-A and R-1-B zoning. Behind the high density Wisconsin Avenue frontage is an R-2 zone district extensively developed with single-family detached and semi-detached homes.
18. The land use and zoning patterns in the vicinity of the PUD site concentrate the higher densities, higher heights and more intense uses along Wisconsin Avenue, the major arterial route. Along Wisconsin Avenue can be found a mixture of C-2-A, C-3-A, R-5-A, R-5-B and R-5-C zoning with the R-1-B and R-2 single-family zones immediately behind the more intense zones and land uses.
19. A wide range of recreational facilities and large areas of open space exist within a short walk of the PUD site. These include: approximately seventy-five acres of public open space including portions of Glover-Archbold Park with its direct access to the miles of bike paths and trails in the national park system; seven public tennis courts; nine private tennis courts operated by Sidwell Friends School; three playgrounds including facilities behind Hearst School; an outdoor swimming pool now under construction in McLean Gardens; a playground at 39th and Porter Streets; a picnic ground at 39th and Rodman Streets; and the Newark Street Community Gardens and playground. Picnic benches and barbecues are found among the existing thirty-one buildings in McLean Gardens and more are planned as the renovation of the remaining buildings is completed.
20. Wisconsin Avenue is a major arterial street with numerous Metrobus routes. Bus service also connects to the Cleveland Park and Woodley Park/Zoo Metrorail Station approximately a mile to the east. The future Tenley Metrorail Station will be just over one half mile to the north of the site.
21. The proposed PUD has the appearance of a denser, more

active, multi-use urban counterpoint to the existing McLean Gardens development. A variety of building types will be used to provide a variety of dwelling unit types which range from efficiency apartments in high-rise buildings to townhouse-style units in low-rise structures.

22. The proposed development on the south site (Square 1819) will consist of a mixed-use high-rise building with apartments, an office and retail component on the south side with a height range from approximately forty-two to ninety feet and townhouse-style units about thirty-two feet in height.
23. The north site (Square 1821) will be developed with terrace apartments with a height of twenty-seven feet, townhouse units about thirty-two feet in height, the existing administration building and a swimming pool.
24. On November 28, 1983 at the public hearing, the applicant revised its proposal by modifying the site plan, and reducing the number of dwelling units and the total FAR.
25. The applicant proposed that the mixed-use development, as revised, would consist of a maximum of 563 dwelling units, a range of 27,192 to 30,825 square feet of office space, a range of 13,795 to 17,428 square feet for convenience retail space, a total of 643 parking spaces, accessory to the proposed development including underground parking for up to 190 vehicles, with devotion of forty percent of the total site to open space and other design amenities including a swimming pool. If market conditions permit, a health club would be located at the top of the south site office building. Alternatively, the health club space would be used for offices and provide an additional 7,713 square feet of office space to the number stated above.
26. The residential component of the project would provide 243 housing units on the south site and 320 housing units on the north site. The unit mix is anticipated to be as follows: efficiencies - sixty on the south site, seventy-two on the north site; one bedroom - 143 and 206, respectively; one bedroom and den - seven and fourteen, respectively; two bedroom, thirty-three and twenty-eight, respectively. The size of the units would vary thus providing prospective occupants with a variety of floor plans and rent rates or condominium prices from which to choose.
27. The apartment units would be recorded as a condominium prior to the initial occupancy of the buildings. The applicant proposes to retain ownership and rent the

individual units. The applicant further testified that it was seeking financing through tax-exempt bonds. If such financing could be arranged, twenty percent of the units would be rented to tenants of low and moderate income.

28. The total FAR for the project would be 1.29. Lot occupancy for the entire project would be twenty-eight percent, including thirty-seven percent for the south site and twenty-five percent for the north site.
29. The amount of gross floor area to be constructed is substantially less than that approved in the previous PUD and the number of dwelling units and the total density to be devoted to residential is less than what was approved by the Zoning Commission in Z.C. Case No. 81-22P and the amount of commercial/retail space proposed is substantially similar.
30. The present PUD, as compared to the previously approved PUD, proposes a reduction in total number of dwelling units from 625 to 563, a reduction in parking from 772 spaces to 643, a reduction in FAR of approximately 0.64 percent from 1.95 to 1.29, and a reduction in lot occupancy from the approved fifty-four percent to twenty-eight percent. The result of these changes is a project of generally lower buildings, with increased open space and a superior amenities package.
31. The applicant proposed to extend and reinforce the strong feeling of neighborhood and community which characterizes the existing McLean Gardens community. This objective would be accomplished through the reduction of development and a corresponding increase in open space. It would be accomplished through the relocation of commercial from the heart of the residential to a place in proximity to existing commercial uses. It would be accomplished through the introduction of well-composed building relationships which create meaningful and usefully organized open space between buildings. The whole would create a recognizable sense of place that would be entirely appropriate to the immediate setting and to the wider community.
32. The buildings proposed are arranged in a coherent manner to provide clear and effective organization of the vehicular and pedestrian circulation. The townhouse apartments line the street and provide an appropriately scaled residential facade to 38th and Porter Streets. The administration building is to be framed with townhouse apartments and is on axis with the relocated interior circle. The terrace apartments face Wisconsin Avenue with the McLean Gardens wall in the

foreground acting to screen parking. The high-rise structure matches the Wisconsin Avenue setback of the terrace apartments and continues their southward thrust until it turns westward along Idaho Avenue presenting a retail face to the existing commercial node.

33. On the north site vehicular circulation is based on a loop system of access and surface parking with three points of access from 38th Street. This loop system provides ingress and egress with minimum curb cuts.
34. There are two access points on the south site to the surface parking area and they form the same type of loop vehicular circulation and landscaped parking system as found generally on the north site. The location of the garage parking entrance had not been finally determined. This plan requires six curb cuts, or seven curb cuts if the parking garage entrance is relocated to Idaho Avenue, as opposed to twenty in the previously approved PUD. This reduction retains useful street parking as a consequence and irreplaceable street trees which are mature and in robust health.
35. To improve existing traffic, parking, and other conditions, the applicant has:
  - a. Requested the installation of parking meters along the north side of Idaho Avenue between Wisconsin Avenue and Newark Street;
  - b. Encouraged and would continue to assist residents of McLean Gardens and future residents of the Village at McLean Gardens to request the installation of residential permit parking signs along the streets within McLean Gardens; and
  - c. Requested that the D.C. Department of Transportation study the western connection of 38th and Porter Streets located opposite Plattsburgh Court in response to requests from present McLean Gardens residents.
36. The existing stonewall along Wisconsin Avenue is proposed to be retained for its visual and symbolic value and to tie into the proposed high-rise building. Tree and shrub plantings are proposed to complete the visual screening of automobiles parked along the wall. The spacing of trees planted in front of the wall is intended to break up the horizontality of the wall. The applicant testified that it would support an application for landmark designation for the existing stone wall, except the modifications along Idaho Avenue.
37. The applicant, through its traffic and transportation

consultant, assessed the traffic impact the proposed development would have on the existing roadway system in the vicinity of the site which includes an average weekday volume of 32,000 vehicles on Wisconsin Avenue and determined the availability of public transportation to service the needs of the residents and the occupants of the commercial and retail uses. He reported that:

- a. The area is well served by twelve bus lines with excellent bus service. Because of the good transit service, development of the site for residential and commercial use should increase ridership on the Metro system, and
  - b. The proposed new development will have no adverse traffic impact on the area and adequate public transportation systems are in place to meet the needs of the residents and occupants of the office and retail uses.
38. The applicant addressed the issues of conformity with the District of Columbia Goals and Policies Act of 1978, noting consistency and benefits in overall quality of life, air quality, water resources, energy, urban design, recreation/open space, public revenues, housing supply, land use and others. The proposal is also consistent with the proposed Comprehensive Plan for the City as related to land-use objectives regarding an established neighborhood and its protection and ways to handle non-residential uses in residential areas. The proposal is also compatible with the policies and objectives for Housing, Air Quality and Transportation, as described in the proposed Comprehensive Plan.
39. The D.C. Office of Planning, by memoranda dated November 18 and December 30, 1983, and by testimony presented at the public hearing recommended approval of the applications, subject to proposed development conditions. The Office of Planning stated:

"This proposed medium density housing development with supportive recreational and commercial uses is considered by OP to be consistent with city planning goals and to have an attractive and functional design. As a counterpoint to the low density, single use, open character of the thirty-three acre existing garden apartments, the 9.4 acre PUD site with its multiple uses, building and unit types, and open spaces has the potential for being a dynamic and urban complement to the neighborhood fabric. The proposal is important in being still one of the

more significant housing proposals in the city in recent years. The site plan incorporates a number of desirable amenities including a swimming pool and recreational facilities, community center, high design quality, landscaping and preservation of the stone wall."

The Commission concurs with the report of the Office of Planning.

40. The D.C. Department of Transportation (DCDOT), by memoranda dated November 14 & 18, and December 22, 1983, and by testimony presented at the public hearing, analyzed the potential impact of the development on the area and determined that the surrounding street system could accommodate the traffic that would be generated by the proposed development. The DCDOT believed that the total proposed parking supply of 643 spaces was adequate to serve the development. The Commission agrees, except with regard to parking for medical and dental offices, as set forth in Finding No. 58.
41. The D.C. Department of Finance and Revenue (DFR), by memorandum dated November 10, 1983, took no position. The DFR subsequently, through the Office of Planning post-hearing submission dated December 22, 1983, believed that the project would generate approximately \$2 million in annual tax revenues. The DFR, through that same post-hearing submission, indicated that the proposed C-2-B zoning is likely to provide more tax revenue than the proposed C-2-A zoning.
42. The D.C. Department of Environmental Services, by memorandum dated November 14, 1983, had no objections to the application.
43. The D.C. Fire Department, by memorandum dated November 7, 1983, stated that the fire defenses established by the Fire Department to serve the community in which the proposed modifications will occur are adequate at this time.
44. The D.C. Department of Recreation, by memorandum dated November 15, 1983, reported that there was a need to provide play apparatus on the site for small children who may live at or visit the site.
45. The D.C. Department of Housing and Community Development, by memorandum dated November 8, 1983, had no objections to favorable action by the Zoning Commission.
46. Advisory Neighborhood Commission - 3C, by letter dated

- November 23, 1983 and by testimony presented at the public hearing, supported the application subject to the following conditions:
- a. The reincorporation into the record of the Design Report which was originally submitted by the applicant;
  - b. The setting of an upper limit on retail and office space (the ANC suggested 44,620 square feet);
  - c. Providing the best assurances that the applicant would make a good-faith effort to locate a health club, as proposed;
  - d. That all parking spaces be free and unassigned to residents, visitors, employees, and customers so as to help alleviate the existing parking problem;
  - e. That the applicant be required to maintain and replace, if necessary, the proposed landscape; and
  - f. That the applicant support and provide limited assistance for an application for landmark status for the wall, as modified by the Idaho Avenue extension.
47. The McLean Gardens Condominium Association, by testimony presented at the public hearing and by letter dated December 22, 1983, supported the application, subject to an agreement between the Association and the applicant. The Association expressed concerns regarding prohibiting certain commercial uses and providing adequate parking.
48. One person, by statement received and testimony presented at the public hearing, did not oppose the application but expressed concerns regarding the existing parking problems at McLean Gardens. He urged the Commission to require more than one parking space per dwelling unit and to require that spaces be assigned and included in the cost of each dwelling unit.
49. There was no opposition to the application.
50. As to the concerns regarding the reincorporation into the record of the applicant's Design Report, the Commission notes that the Design Report remained and continues to remain a part of the official record of this case.
51. As to the concerns regarding a limit on retail and office space, the Commission is mindful of the applicant's need to be given some flexibility in

accommodating retail and office uses and is also mindful of its responsibility to make prudent and balanced decisions. The Commission believes that the setting of a floor area limit on retail and office uses is an appropriate mechanism to control the commercial/residential balance.

52. As to the concerns regarding the health club, the Commission has the authority to require or not to require the applicant to locate a health club in the project. The Commission can not regulate a "good faith" effort by the applicant to locate a health club in the project. The Commission, however, is mindful of the applicant's request to use the space where the proposed health club would be located for office uses, if the market conditions fail to permit the establishment of a health club. The Commission believes that this is a reasonable arrangement.
53. As to the concerns regarding parking, the Commission is mindful of the existing parking problems at McLean Gardens but believes that it would be unreasonable and unfair to expect the applicant to be responsible for that problem. The Commission finds that the 643 parking spaces proposed by the applicant are adequate to meet the parking needs of the project. The Commission also believes that, because the south site has proposed commercial and residential uses, the assignment of residential parking spaces is appropriate and would discourage users of the commercial portion of the structure from encroaching upon parking spaces that should be reserved for the residents of the structure. The Commission further believes that the assignment of parking spaces on the north side is unnecessary because all of the users of those spaces are expected to be resident motorists and their guests.
54. As to the concerns regarding the landscaping, the Commission believes that the landscaping proposed by the applicant is adequate. The Commission further believes that the maintenance of the landscape is inherent in the applicant's desire to market the project and maintain its value.
55. As to the concerns regarding the stone wall, the Commission notes the applicant's support for landmark designation for the existing stone wall, except the modifications along Idaho Avenue.
56. The Commission notes the close proximity of the PUD site with National Park Service (NPS) property and is mindful of conditions it imposed in Z.C. Order No. 383 for Case No. 81-22P (Preliminary PUD @ McLean Gardens) to protect the park property. The Commission is

equally concerned in this application about the protection of NPS property.

57. The Commission finds that there are some commercial uses that are permitted in the C-1 and C-2-A Districts that are inappropriate for this project. The Commission is mindful of the testimony of the condominium association and the uses that were approved in Z.C. Order No. 383. The Commission believes that a balance can be struck to address the concerns of all interests regarding permitted uses.
58. The Commission finds that the medical and dental office uses proposed generate more parking demand than do other office uses. If twenty-five percent or more of the gross floor area devoted to office use is to be devoted to medical or dental offices, the applicant has proposed to provide twenty-eight parking spaces underground, more than the 643 spaces otherwise to be provided. The Commission will so require by condition in this order. Those additional twenty-eight spaces accommodate the increment in parking demand for medical and dental office space occupying between twenty-five and fifty per cent of the gross floor area for all offices. No additional spaces are provided to accommodate demand for parking generated by medical or dental office uses which would exceed fifty percent of the gross floor area devoted to office use. Consequently, the Commission will limit medical and dental office uses to fifty percent of the gross floor area devoted to office uses.
59. The Commission finds that the proposed rezoning alternatives from R-5-A to C-2-B for lots 1, 2, and 3 in Square 1819 (south site) and from R-5-A to R-5-B and C-2-B for lots 1, 2, 5, 6, and 7 in Square 1821 (north site) are excessive and unnecessary. The Commission is mindful that the D.C. Department of Finance and Revenue believes that the less restrictive rezoning alternative is likely to generate more tax revenue than the more restrictive rezoning alternative. Upon balancing all concerns, the Commission, however, believes that the development needs of this project can adequately be met under the more restrictive proposed zoning changes from R-5-A to R-5-B and C-2-B for lots 1, 2, and 3 in Square 1819 and from R-5-A to R-5-B and C-2-A in Square 1821.
60. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC reported that the PUD and rezoning would not adversely affect the Federal Establishment and other Federal interests in the National Capital nor be

inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The planned Unit Development process is an appropriate means of controlling development of the subject site, because control of the use and site plan is essential to ensure compatibility with the neighborhood.
2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned residential, institutional, commercial and mixed use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
3. The development of this PUD is compatible with city-wide and neighborhood goals, plans and programs and is sensitive to environmental protection and energy conservation.
4. The development of this PUD encourages diversification in the use, size, type, design and location of the buildings and other structures, improves circulation and siting of facilities and provides assurance of adequate standards for the protection of the public health, safety, welfare and convenience.
5. The approval of this PUD application is consistent with the purposes of the Zoning Act.
6. The PUD and change of zoning to the more restrictive of the proposed options is compatible and consistent with existing land uses, building heights and zoning in the immediate neighborhood and along Wisconsin Avenue.
7. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.
8. The approval of this application will 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.
9. The Zoning Commission has accorded to the Advisory Neighborhood Commission 3C the "great weight" to which it is entitled.

DECISION

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission hereby orders APPROVAL of a consolidated Planned Unit Development and related map amendments for lots 1, 2, and 3 in Square 1819 (south site) and for lots 1, 2, 5, 6, and 7 in Square 1821 (north site) bounded by 38th, Rodman, and Newark Streets, and Wisconsin and Idaho Avenues, N.W. The approved change of zoning from R-5-A to R-5-B and C-2-B for Square 1819, and from R-5-A to R-5-B and C-2-A for Square 1821 shall be as shown as Zoning Alternatives #1 in Exhibit #11 (section D) of the record, a copy of which is included herein and made a part of this order. Approval of this order is subject to the following guidelines, conditions, and standards:

1. The planned unit development shall be developed in accordance with the plans marked as Sheets 1-33 and 37 of Exhibits No. 43 and 54 of the record, as modified by the guidelines, conditions and standards of this order.
2. The site shall be developed with a mixed use project which shall consist of a minimum of 563 dwellings units and a maximum of 44,600 square feet of gross floor area of retail and office space. The area devoted to office use may be increased as described in Condition No. 3, below.
3. The applicant may construct a health club as part of the project, as shown on the approved plans. The applicant may also use as offices the space designated in the plans for the health club. If the health club area is used for offices, the total gross floor area devoted to commercial use shall not exceed 52,313 square feet.
4. In the areas to be devoted to commercial uses, permitted uses shall be those uses first permitted in a C-1 District with the exception of those uses specifically listed in Exhibit No. 77 of the record. In addition, those uses cited in Exhibit No. 77 of the record which are first permitted in a C-2-A District shall also be permitted, except for community based residential facilities under Paragraph 5102.38 and special exceptions under Sub-section 5102.4.
5. The floor area ratio for the entire project shall not exceed 1.29.
6. The height of buildings shall not exceed eighty-two feet. Any roof structures in excess of that height shall not exceed 18.5 feet in height above the level of the roof upon which they are located.

7. The total lot occupancy shall not exceed twenty-eight per cent.
8. A minimum of 643 accessory off-street parking spaces shall be provided. Parking on the North Site, Square 1821, shall be limited to residents and guests of the units on that site. Parking on the North Site shall not be assigned to individual unit residents. Parking on the South Site, Square 1819, shall be limited to residents, guests, employees, visitors and customers of the units, offices and establishments on that site. Parking on the South Site shall be allocated as shown on the plan marked as Sheet 6 of Exhibit No. 72B.
9. If twenty-five per cent or more of the gross floor area devoted to office use is used as medical or dental offices, an additional twenty-eight parking spaces shall be provided as shown on the plans marked as Sheets 24 and 25 of Exhibit No. 54.
10. No more than fifty per cent of the gross floor area devoted to office use may be used for medical or dental offices.
11. Access to the underground garage in the high-rise building shall be from Newark Street only.
12. A loading platform having a minimum area of 100 square feet shall be located adjacent to each loading berth.
13. Landscaping shall be provided in accordance with the plan marked as Sheet 8 of Exhibit Nos. 43 and 54, except that such plan may be modified by the applicant in order to preserve more of the existing trees on the site as shown on Sheet 40 of Exhibit No. 72B.
14. Prior to applying for a building permit, the applicant shall consult with the National Park Service to determine if remedial treatment is required at the two storm water outfalls into parkland. If the National Park Service requires remedial treatment as a result of this project, such provisions shall be incorporated into the plans and shall be accomplished at the applicant's expense.
15. Signs for the retail uses shall meet the criteria set forth in Exhibit No. 52.
16. The existing stone wall along Wisconsin Avenue shall be repaired and maintained. The applicant shall support an application for landmark status for the wall as modified by the Idaho Avenue extension.

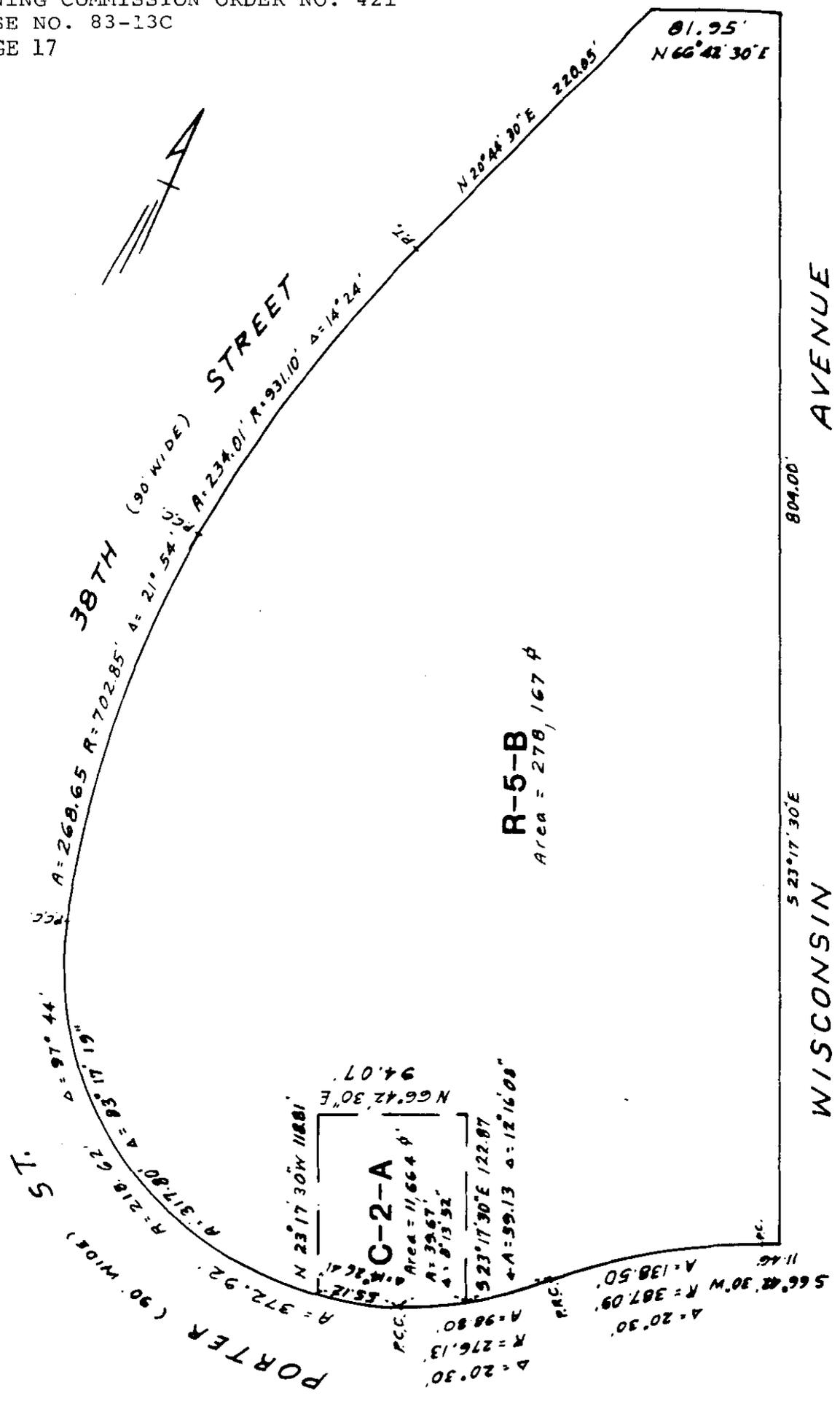
17. The applicant shall have the option of not constructing fireplaces and chimneys on interior units in the townhouse apartment buildings.
18. Construction phasing shall be as shown Sheet 31 of Exhibit No. 54.
19. The change in zoning from R-5-A to R-5-B, C-2-A and C-2-B shall be effective upon recordation of a covenant as required by Sub-section 7501.8 of the Zoning Regulations.
20. No building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the office of the Corporation Counsel and the Zoning Regulations Division, which covenant shall bind the applicant and successors in title to construct on and use this property in accordance with this Order, or amendments thereof, of the Zoning Commission. When the covenant is recorded, the applicant shall file a certified copy of that covenant with the records of the Zoning Commission.
21. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, application must be filed for a building permit, as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three years of the effective date of this Order.

Vote of the Zoning Commission taken at the public meeting on January 9, 1984: 4-0 (Walter B. Lewis, John G. Parsons, Maybelle T. Bennett, and Lindsley Williams, to approve with conditions - George M. White, not voting not having participated in the case).

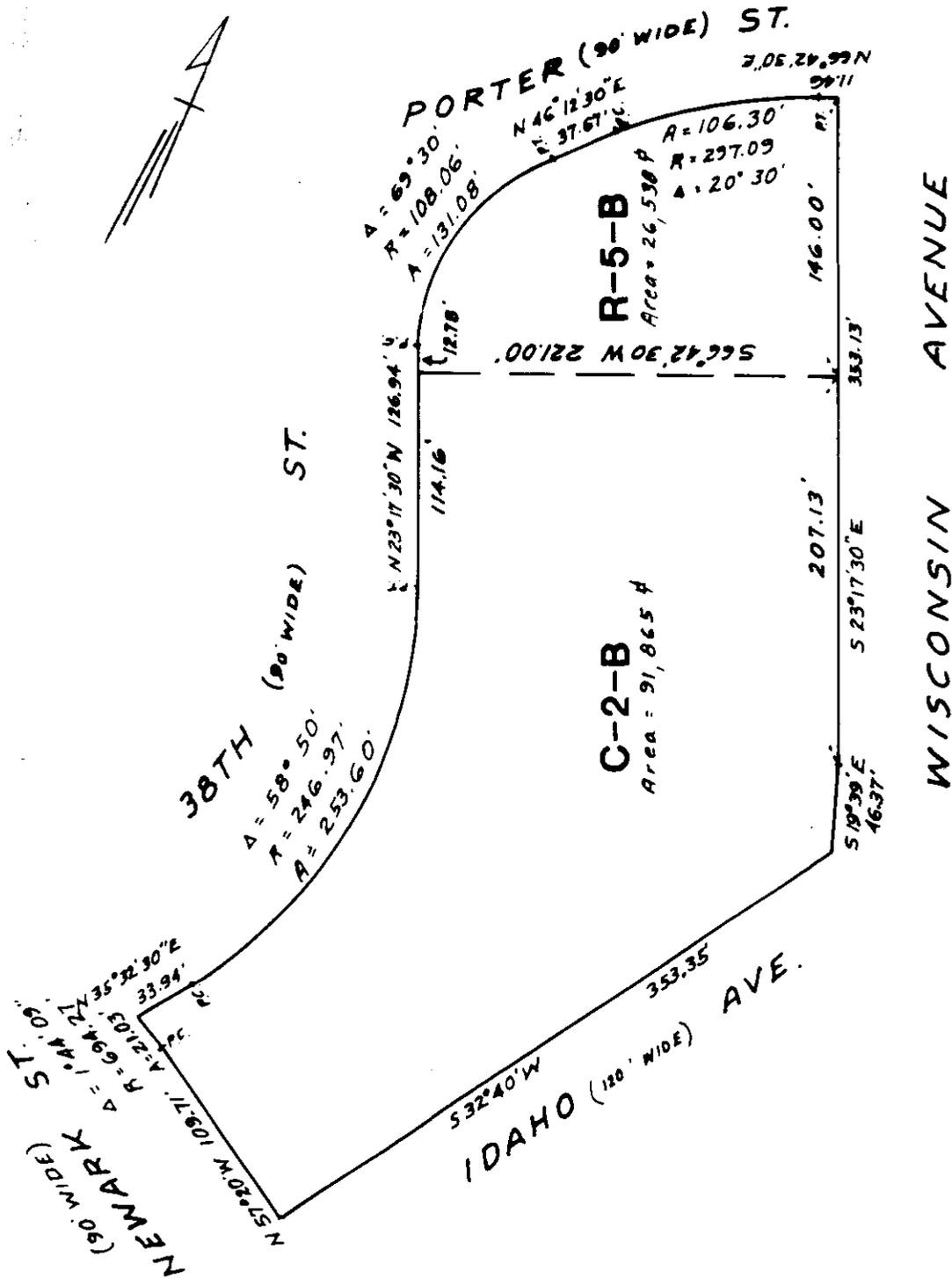
Vote of the Commission taken at the public meeting on February 13, 1984: 4-0 (Walter B. Lewis, Maybelle T. Bennett, John G. Parsons, and Lindsley Williams, to adopt as amended - George M. White, not voting not having participated in the case).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on MAR - 2 1984.

This amendment to the Zoning Map of the District of Columbia shall not be effective until the covenant required by Article 75 of the Zoning Regulations is recorded in the land records of the District of Columbia.



Zoning Alternative 1, Square 1821 (North Site)



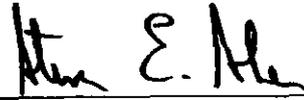
**Zoning Alternative 1, Square 1819 (South Site)**

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LINDSLEY WILLIAMS  
Chairman  
Zoning Commission



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STEVEN E. SHER  
Executive Director  
Zoning Secretariat

421order/BOOTHF