

\* NOTE: This order is amended by Z.C. Order No. 442.

## Government of the District of Columbia

### ZONING COMMISSION



ZONING COMMISSION ORDER NO. 431 \*  
Case No. 83-17C  
August 16, 1984  
(Resources Conservation Center PUD)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on April 30, and May 7, 10 & 21, 1984. At those hearing sessions, the Zoning Commission considered an application from the National Wildlife Federation Endowment, Inc., the Resources for the Future, Inc., and Richard D. Stout, Jr. 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 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 November 3, 1983, requested consolidated review and approval of a PUD for lots 859, 853, 811, 159, 89-91, 847, 94, 816-819, and 846 in Square 181. The PUD site is split-zoned SP-1 and R-5-D. No change of zoning is requested.
2. The applicants propose to construct a mixed-use development known as the "Resources Conservation Center" which includes office and residential uses.
3. The R-5-D District permits general residential uses of high density development, including single-family dwellings, flats, and apartments, to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 5.0 (6.0 for apartments) and a maximum lot occupancy of seventy-five percent.
4. The SP-1 District permits matter-of-right medium density development including all kinds of residential uses, with limited office use for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the Board of Zoning Adjustment (BZA), to a maximum height of ninety feet, a maximum FAR of 4.0 of which no more than 2.5 FAR may be devoted to non residential uses, and a maximum lot occupancy of eighty percent for residential uses.

5. 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 identified above. The Commission may also approve uses that are permitted as a special exception by the BZA.
6. The PUD site consists of approximately 92,886 square feet of land, is located in the Dupont Circle neighborhood, and comprises the major portion of the area bounded by 16th, 17th, O, and P Streets, N.W. The eastern frontage of the PUD site is within the 16th Street Historic District.
7. The 17th Street frontage of the PUD site is zoned R-5-D and comprises approximately 20,130 square feet. The balance of the PUD site is zoned SP-1 and comprises approximately 72,756 square feet.
8. The PUD site is currently occupied by the existing National Wildlife Federation headquarters, which is a two-story low rise office building on 16th Street, the former American Trucking Association building, a six-story, seventy-two foot structure on P Street, several small commercial and light industrial structures on 17th Street, and three row structures used as offices on O Street. The remaining portions of the site consist of surface parking and public alleys.
9. The only properties which are not included in this application in the area bounded by 16th, 17th, O and P Streets, N.W. are the Embassy office building at the corner of 16th and P Streets, the Claude Moore office building located on 16th Street to the south of the Embassy office building, the Berkley apartment building at the corner of 17th and P Streets, and the three townhouses to the south of that apartment building facing on 17th Street.
10. The zoning pattern in the area of the PUD site includes SP-1 to the immediate northeast, east, southeast, and south, R-5-D to the immediate southwest and west; C-2-B to the northwest; and unzoned federally owned property to the immediate north.
11. Resources for the Future has been located north of Massachusetts Avenue, a short distance from the PUD site, for over twenty years. The National Wildlife Federation has been located in its building on the site since 1960. The proposed mixed-use development site lies in the center of an area which contains many land uses including other institutional and organizational headquarters, office buildings, apartments, hotels, single family uses, commercial uses, and religious

institutions with a diverse range of densities and heights up to nine stories.

12. On February 12, 1981, by Z.C. Order No. 331, the Zoning Commission granted approval to the American Trucking Association (ATA) for a final PUD and related map amendment from R-5-D and SP-1 to SP-2 for lots 816-819, 846, 847, 89-91, 94 and 159 in Square 181. The PUD proposal was to construct a mixed-use development including 189,000 square feet for office use and 81,000 square feet for residential use.
13. The office component of the subject development will serve jointly as the headquarters building for the National Wildlife Federation Endowment, Inc. (NWF) and the Resources for the Future, Inc. (RFF). The existing ATA building which contains 74,224 square feet of gross floor area will be retained, and incorporated into the project as accommodating a part of the office uses. The renovations to the existing ATA building will include a new facade for portions of the building.
14. The applicants propose to raze the existing NWF building which contains approximately 25,000 square feet of gross floor area, and replace it with a new ninety-foot office building containing 179,776 square feet of gross floor area. The new building will include common elements; e.g., auditorium, conference, exhibit, library, computer, and service area, which require compatible users.
15. The residential component of the PUD development is located in two buildings on the western portion of the site. The applicants propose to construct a seventy-five foot apartment building, containing ninety-seven dwelling units, on the northeast corner of the intersection of 17th and O Streets, N.W. The applicants also propose to construct a four-story forty-foot townhouse-style apartment building, containing twelve dwelling units, on the south side of P Street between the Berkeley House and the existing ATA building.
16. The applicants propose to construct, as a major amenity to the development, an open space area of approximately one acre fronting on O Street. The open space will be developed as a formal park-like garden with trees, a fountain, flowering plants, bushes, and shrubs. The applicants intend that the garden will be open to the public during the day, and will be closed at night for the security of occupants of the project.
17. Parking will be provided in separate two-level underground parking garages for the residential and office portions of the project. The applicants propose

to construct eighty parking spaces in the residential parking garage, which is fifty-three more spaces than normally required by the Zoning Regulations. Those spaces will be accessible from 17th Street. The applicants propose to construct 200 parking spaces in the office parking garage which is sixty more spaces than required by the Zoning Regulations. Those spaces will be accessible from P Street.

18. The residential loading dock will be located in a private alley off of 17th Street and the office loading dock will be located on private property accessible from P Street.
19. The proposed total gross floor area for office uses is approximately 254,000 square feet. The proposed total gross floor area for residential uses is approximately 103,000 square feet. The total FAR for the project is 3.8 of which 2.7 will be devoted to office use, and the total lot occupancy is fifty-seven percent.
20. The applicants, through testimony presented at the public hearing, indicated that the design of the building on 16th Street is in keeping with the special street status of 16th Street as set forth in the District of Columbia Comprehensive Plan. The building will be built to eighty feet at the property line, and will be set back from the property line ten feet at the ninety foot height. The height and bulk of the building are consistent with the adjacent buildings in the same square, and with other buildings in the area. The design is also consistent with these structures in that the facade has been modulated by design techniques to reflect these neighboring structures.
21. The applicants propose two alternatives for the residential portion of the development. The 17th Street highrise, as originally proposed, was a ninety foot tall building. In response to concerns from the ANC, the height of that building was lowered to seventy-five feet. Subsequent to that time, the Dupont Circle Citizens Association requested that the height be raised to ninety feet. The applicant has agreed that the number of residential units will be at least one hundred for the entire development. The applicant is amenable to constructing either the seventy-five foot building or the ninety foot building. The ninety foot building would yield between 105 and 145 total units and the seventy-five foot building would yield between 100 and 125 total units.
22. The applicants indicated that the proposed project contains only 51,000 square feet more than what would be permitted under the conventional zoning process for

office area, but allows for superior design, inclusion of over one acre of open space, and an immediate guarantee of additional housing on the residentially zoned portion of the site. The proposed project is significantly less dense, and provides vastly more open landscaped area and greater housing opportunities, than the previously approved PUD in Zoning Commission Order No. 331. The total permitted FAR of the site under the PUD process, including combined SP-1 and R-5-D portions of the site, is approximately 4.8. The proposed FAR for the entire project is between 3.8 and 4.1, depending upon the amount of housing to be included. The proposed mixed use project will be located in an area of the city predominated by a mix of office, residential and institutional uses.

23. The applicants intend to occupy the entire nonresidential portion of the project as their joint headquarters building. According to projections submitted by the applicants, outlining growth patterns and expected future growth, full occupancy of the building by the applicants will occur between 1995 and 2000. The net "rentable" office space in the project will be approximately 209,000 square feet, which excludes extensive common elements, such as auditorium, conference room, exhibit space, library, computer and service areas. Initial occupancy of this project by the applicants will be between 80,000 and 85,000 square feet. The applicants have requested flexibility in order to lease the excess space on a short term basis, until such time that the applicants fully occupy the buildings.
24. The applicants have indicated that the project is consistent with the intent and purpose of the PUD process, and have identified the following as public amenities:
  - a. A large, fully landscaped park area;
  - b. Underground parking for the entire project, including elimination of surface parking for the existing ATA building;
  - c. Innovative building design and superior land use planning;
  - d. Increased residential opportunity with between 109 and 135 units in two new apartment buildings added to the housing stock;
  - e. Enhancement of the residential character of P Street with a new apartment building;

- f. A genuine buffer between the office and residential uses;
  - g. Elimination of an intrusion, the existing NWF building into the 16th Street Historic District;
  - h. Provision of parking for neighboring institutions which currently experience a parking shortage;
  - i. Retention of two major institutions in the Dupont Circle area;
  - j. Elimination of approximately 25,000 square feet of nonconforming commercial and industrial uses from the site;
  - k. The creation of approximately nine on-street parking by eliminating existing curb cuts around the PUD site;
  - l. The landscaping of the parking lot now used by the First Baptist Church; and
  - m. Overall consistency of the project with the goals and policies of the District of Columbia.
25. The applicants indicated that the Zoning Commission found in Z.C. Order No. 331 the provision of housing on this site in conjunction with a PUD "is a definite benefit to the city, one which might not be achieved in the same time frame or at all if the PUD were not approved." The applicants have submitted evidence that any greater amount of housing required to be constructed in conjunction with this PUD would so increase the risks of development that the applicants would not proceed with the PUD.
26. The applicants originally proposed to provide 280 parking spaces on the site, 200 for the offices and eighty for the residential units. The applicants can limit the number of compact spaces to twenty percent of the total, with a total of 275 parking spaces. The residential parking and loading will be from 17th Street, and the parking and loading for the office will be from P Street. It is neither desirable nor feasible to locate the parking and loading access on either 16th Street or O Street. On the P Street loading area, the existing fifteen foot wide alley will be effectively widened to thirty-nine feet which will ensure adequate space for the maneuvering of vehicles to and from the loading dock, as well as for access to the rear of the Embassy building and the Claude Moore building.
27. The applicants, through their traffic consultant,

indicated that the proposed loading and parking facilities are adequate and that there would be no adverse impact on traffic operations in the area.

28. The applicants also indicated that they have made arrangements with two area churches to use the parking facilities on the PUD site, which would help relieve some of the existing parking problems.
29. The project is consistent with the Comprehensive Plan, as established by the applicants' witnesses during the hearing. Significant among those goals of the Comprehensive Plan which are achieved are the inclusion of housing opportunities in the downtown area, and the retention of these two national organizations in Washington, D.C. The project represents a superior design to the alternatives that would be available under the BZA process for development of office space on the site.
30. The proposed design was given conceptional design approval by the State Historic Preservation Review Board, which is the city agency that is authorized to review and determine compatibility with the historic districts.
31. The District of Columbia Office of Planning (OP), by memorandum dated April 20, 1984 and by testimony presented at the public hearing, recommended that the application be granted first-stage PUD approval with guidelines for the second-stage PUD requiring a greater balance of housing. The OP noted that the draft Land Use Element of the Comprehensive Plan designates the subject square for predominant residential use. The OP is of the opinion that although the intent of the applicants to construct a quality development at the site is positive, the project emphasizes office use while not taking maximum advantage of the opportunity for housing on the site. There are several ways by which a proper balance of uses can be achieved on the site. Additional housing can be provided by increasing the height of the proposed apartment house at 17th and O Streets. A further increase in housing could be provided by enlarging apartment development into a part of what is proposed to be open space. A better balance of uses could also be achieved by increasing the amount of housing and also reducing the amount of office space, or reducing the amount of both office and open space.
32. The District of Columbia Department of Environmental Services (DES), by memorandum dated February 28, 1984, had no objections to the PUD proposal. The DES concluded that there would be minimum impact on the water and sewer systems and suggested that storm water management measures be included in the development.

33. The District of Columbia Public Schools (DCPS), by memorandum dated March 6, 1984, indicated that the DCPS did not oppose the development of the subject property.
34. The District of Columbia Metropolitan Police Department (MPD), by memorandum dated March 22, 1984, recommended that favorable consideration be given to the PUD. The MPD expressed concern regarding traffic and parking impact. The MPD stated that there could be some traffic congestion on P and 17th Streets because of the entry/exit to the underground parking garages. It suggested that the D.C. Department of Transportation review the report of the applicant's traffic consultant for concurrence. The MPD also indicated that the garden could be a haven for crime and loitering, unless measures are taken to provide appropriate and adequate lighting, and measures are taken to insure that the proposed landscaping does not hinder visibility from the street.
35. The District of Columbia Department of Recreation (DCDR), by memorandum dated April 5, 1984, reported that the proposal will provide benefits to the city in excess of those benefits that could be provided as a matter-of-right. The DCDR indicated that public passive recreational spaces, as proposed, should be designed as to minimize both maintenance costs and potentially acute problems of vandalism. The DCDR would like the opportunity to review the detailed plans and specifications for the PUD to insure that safety and maintenance concerns are addressed.
36. The District of Columbia Department of Public Works (formerly D.C. Department of Transportation), by memorandum dated April 13, 1984, reported that the surrounding street system was adequate to accommodate the anticipated 107 to 127 combined office and residential peak-hour vehicle trips. The DPW indicated that the office parking was sufficient but that the residential parking was adequate to accommodate tenant parking demand, only. The DPW recommended that thirty spaces in the office parking garage be reserved to accommodate the residential visitor parking demand. The DPW indicated that the proposed loading facilities are adequate but recommended that ten bicycle parking spaces, five percent of automobile parking spaces, be provided in the office building.
37. The District of Columbia Fire Department (DCFD), by memorandum dated April 17, 1984, reported that the proposed PUD will not have an adverse effect on the DCFD provided the following conditions are met:
  - a. All buildings, except the P Street apartment

- building, be equipped with automatic sprinklers;
- b. An additional standpipe be installed on the west side of the southwest corner of the ATA building;
  - c. The fire lane off 17th Street be twenty feet in width until it reaches the ATA building where it will narrow to a minimum width of sixteen feet for the remainder of the fire lane;
  - d. The gate to the entrance of the fire lane have a minimum clear opening of twenty feet and be secured as per DCFD approval;
  - e. Alleys remain unobstructed until fire lanes have been constructed; and
  - f. The aforementioned conditions be secured by covenant prior to alley closing.
38. The District of Columbia Department of Finance and Revenue (DFR), by memorandum dated April 20, 1984, reported that the proposed PUD would have a positive effect on District revenues relative to real estate taxes.
39. Advisory Neighborhood Commission - 2B (ANC), by letter dated April 23, 1984, supported the application. By testimony presented at the public hearing, ANC-2B applauded the applicants' efforts for reducing the height of the high-rise apartment building from ninety to seventy-five feet.
40. Nine persons testified at the hearings in support of the application. In addition, seventeen letters from organizations and individuals, and form-letters from fifty-five area business operators, residents, property owners, and friends supported the application. The reasons for support of the application included the following:
- a. Unutilized land would be put to use;
  - b. Some parking problems can be reduced via on-site parking arrangements with two area churches;
  - c. The opportunity for crime is reduced;
  - d. Additional housing is being provided to the city's housing stock;
  - e. The appearance and character of the area will be improved by removing blight and constructing an aesthetically pleasing building;

- f. The park will be open to the public;
  - g. The project will help restore past prominence to the area; and
  - h. The project will improve the value of all surrounding properties.
41. The Dupont Circle Citizens Association (DCCA), party in the proceedings, by letter dated May 4, 1984 and by testimony presented at the public hearing, resolved to oppose the application for the lack of demonstrating need to exceed the height limit of sixty-five feet on 16th Street, and for the lack of adequate assurances to execute several benefits that were offered by the applicants, if opposed. The DCCA believed that:
- a. The original proposal to construct a ninety-foot apartment building on 17th Street be required, so as to result in more residential units;
  - b. An alternative loading entrance be required to discourage backing movements of trucks onto and from P Street; and
  - c. The PUD require the completion of the apartment building before a certificate of occupancy for the office building is issued.
42. The Residential Action Coalition (RAC), the 1701 Massachusetts Avenue Tenants' Association, and eight individuals, party in the proceedings, by statement dated May 21, 1984 and by testimony presented at the public hearing, opposed the application. The RAC, et al., believed that the proposal:
- a. Ignores the purpose of recent Zoning Commission downzoning in the Dupont Circle area, which helped to enhance the historic district;
  - b. Ignores city housing goals and policies that were set forth in the draft Land-Use Element of the Comprehensive Plan;
  - c. Ignores the requirements of the PUD regulations regarding the public benefits and amenities vis-a-vis exceeding the height and density guidelines;
  - d. Fails to contribute to the Historic District with an office building on 16th Street; and
  - e. Is inappropriate for the site, as it will

contribute to additional traffic problems in the area, detract from good urban design objectives because of its scale, height, facade and penthouse, and has a garden that is not properly oriented for environmental reasons.

43. District of Columbia Councilmember John A. Wilson, Ward 2, by statement dated May 10, 1984 and by testimony presented on his behalf at the public hearing, opposed the application because the proposed mix of office and residential uses is weighted to office use and is not balanced appropriately for the subject site.
44. Eight persons who testified at the hearings, and seven letters from organizations and individuals opposed the application. The reasons for opposition to the application include the following:
  - a. The proposed mix of uses is contrary to publicly stated city housing goals and objectives for the subject square, as confirmed in the draft Land-Use Element of the Comprehensive Plan;
  - b. The proposed use, height, and density violate the spirit and purpose of the area-wide down zoning in Z.C. Case No. 76-24 (Map Amendment - Dupont Circle Area) and intrudes into the 16th Street Historic District;
  - c. The proposal creates further encroachment of commercial uses into the residential neighborhood;
  - d. The proposal would further reduce on-street parking for area residents; and
  - e. The proposal would generate further parking, congestion, and traffic-flow problems.
45. The Commission notes that Advisory Neighborhood Commission - 2B did not file its issues and concerns in writing, as per D.C. Laws 1-121 and 1-58, and the Administrative Procedure Act.
46. As to the concern of the Office of Planning regarding the processing of this application via the two-step PUD review, in lieu of the one-step PUD review, the Commission is not persuaded that any better results could be gained through the two-step PUD process that has not already been considered and addressed. The Commission is mindful that it is in the best interest of all parties that the zoning process not be overburdensome nor indiscriminately lengthy.
47. As to the concern of the Department of Public Works

(DPW) regarding tenant visitor parking demand, the Commission believes that, in its decision, it has allowed the applicants the flexibility to provide additional residential parking from the surplus office parking stock. In reference to the DPW's concern regarding bicycle parking spaces, the Commission finds that adequate space is provided by the applicants for bicycle parking, as per first and second basement plans of Exhibit #25D of the record.

48. As to the concerns of the Fire Department regarding sprinkler systems, standpipes, and the construction, entry, clearances, and maintenance of fire lanes, the Commission believes these issues can be adequately addressed and resolved through the permit review process.
49. As to the concerns of the Department of Recreation, the Metropolitan Police Department, and others regarding the use, security, and maintenance of the park, the Commission believes that the landscape plans, as per Exhibit #25D of the record, and the applicant's need to market the project by, in part, maintaining and securing the park are sufficient incentives to effectively address those concerns.
50. The Commission concurs with the conclusions and findings of the Departments of Environmental Services, and Finance and Revenue.
51. The Commission believes that the development of the subject site through the PUD process is appropriate, particularly because of the size, location, and the existing use of the largest portion of the site for surface parking. The Commission concurs with various persons that characterized the PUD site as an eyesore, and at present is of little benefit to the immediate community and the city at-large.
52. As to the concerns regarding the mix of uses, the height, and density of the proposed office and apartment buildings, the Commission is mindful of the contrasting positions of various individuals and representatives of the major community organizations in the Dupont Circle area; e.g., ANC-2B, DCCA and RAC. The Commission believes that, in its decision, it has reached a balance which addresses the concerns of all interests.
53. As to the concerns regarding city policy on the north side of Massachusetts Avenue, N.W., as well as the concerns regarding the impact on the Historic District, the Commission again believes it has found a balance that allows for an increase of more housing than

proposed, in addition to reducing the impact of an SP-type office use on 16th Street. The Commission is mindful of the need to retain the subject institutions in the Dupont Circle community and, yet still, observe the character of the Historic District.

54. As to the concerns regarding assurances that the residential component of the project will be constructed, the Commission believes that, in its decision, it has adequately addressed the matter.
55. As to the concerns regarding the proposal violating the spirit of the Dupont Circle downzoning decision in Z.C. Case No. 76-24, the Commission is cognizant of the policy statement associated with the decision in that case. The Commission is also mindful of its responsibility to judge each application on its own merits, and make prudent and balanced decisions on a case-by-case review. The Commission believes that it has done so in deciding this application.
56. As to the concerns regarding amenities, the Commission finds that the proposed public amenities are significant enough to meet the intent of the PUD process. The Commission, however, is not persuaded that the public benefit and other meritorious aspects of the project warrant a height of ninety-feet on 16th Street. To the extent that the floor system design requires it, the Commission is prepared to exceed the seventy-five foot height limit guideline by two feet for the office building.
57. As to concerns regarding parking, the Commission concurs with the findings of the DPW and finds that the proposed 275 off-street parking spaces are adequate. The Commission also finds that the community will benefit from the additional nine on-street parking spaces that will be created when the applicants remove existing curb cuts from the streets that border the PUD site. The Commission notes that the community will also benefit from any arrangements made by the applicants to permit area churches the use of the parking facilities.
58. As to the concerns regarding loading facilities, the Commission concurs with the findings of the DPW. The Commission believes that it is reasonable to disperse the loading ingress/egress on two streets, namely P and 17th, in lieu of one street, namely P or 17th. The Commission finds that 16th Street is inappropriate and O Street is too narrow to accommodate loading ingress/egress activities.
59. As to the concerns regarding traffic, the Commission

concur with the findings of the DPW. The Commission believes that the location of ingress/egress for the parking garage is the area of the greatest generation of traffic. The Commission also believes that it is reasonable to consolidate vehicular ramps for loading and parking purposes. To that extent, P and 17th Streets more approximately would serve for parking garage ingress/egress. The Commission notes that some traffic on P Street would be reduced with the elimination of an existing circular driveway that services the existing ATA building.

60. As to the concern regarding the orientation of the garden, the Commission is not persuaded to change the proposal. The Commission notes that O Street is narrow and the character of the street is passive with less traffic than 17th, 16th or P Streets. The Commission believes that the proposed orientation of the garden is enhanced and complimented by the character of O Street.
61. As to the concerns regarding the facade of the ATA building, the Commission believes that, in its decision, it has adequately addressed this matter.
62. 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, subject to the conditions approved by the Zoning Commission, the PUD would not affect the Federal Establishment or 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 of the 16th Street Historic District.

4. The approval of this PUD application is consistent with the purposes of the Zoning Act.
5. 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.
6. 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.
7. The Zoning Commission has accorded to the Advisory Neighborhood Commission 2B the "great weight" to which it is entitled.

#### DECISION

In reaching its decision in this matter, the Zoning Commission has balanced the various issues and concerns raised during the course of the proceedings on this case. The Commission is mindful of the needs of the organizations which are the applicants, the need for more housing, the need to protect the character of the 16th Street Historic District, and the need to allow compatible development that will not adversely impact the neighborhood and will at the same time strengthen and contribute to that area. The Commission believes that its decision in this matter, as set forth below, strikes the appropriate balance.

In imposing the condition to limit the height of the office building on 16th Street to seventy-seven feet, the Commission is aware that it is causing the reduction of the height by one story and the corresponding reduction of floor area devoted to office space. The Commission does not by this decision necessarily intend to reduce the gross floor area to be devoted to office use. In fact, the Commission will by this decision approve a maximum floor area ratio of 4.1 for the project, as set forth in Condition No. 3. The Commission itself is unable to redesign the project in a way that the total office gross floor area of 254,000 square feet can be achieved. The Commission is, however, prepared to receive and consider revised plans for the project prepared by the applicants that meet the height limit imposed but add additional building bulk to reach the overall office density of 254,000 square feet. Those plans can be filed with an appropriate motion for reconsideration and/or rehearing, as provided in the Rules of Practice and Procedure before

the Zoning Commission, following the issuance of this decision.

In consideration of the findings of fact and the conclusions of law herein, the Zoning Commission hereby orders APPROVAL of a consolidated Planned Unit Development for lots 859, 853, 811, 159, 89, 90, 91, 847, 94, 816, 817, 818, 819, and 846 in Square 181 bounded by 16th, 17th, O, and P Streets, N.W., subject to the following conditions, guidelines, and standards:

1. The planned unit development shall be developed in accordance with the plans marked as Exhibit No. 25D 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 consisting of apartments and office uses. Office uses shall be those permitted in an SP District under Paragraph 4101.44 of the Zoning Regulations. As a PUD, further approval of the Board of Zoning Adjustment as a special exception is not required for such uses.
3. The maximum floor area ratio for the entire project shall be 4.1. There shall be no more than 254,000 square feet of gross floor area devoted to office space, including the space in the existing American Trucking Association (ATA) building and new space to be constructed.
4. The height of the new office building shall not exceed 77 feet. The plans marked as Exhibit No. 25D shall be revised to reduce the height of the building by one story.
5. The roof structure of the new office building shall not exceed 18.5 feet in height above the level of the roof upon which it is located. The configuration of the roof structure shall be as shown on the plans marked as Exhibit No. 103 of the record.
6. The height of the apartment house at the corner of 17th and O Streets shall not exceed 75 feet. The building shall have between 100 and 125 dwelling units. At the option of the applicant, the height of that apartment house may be increased to a maximum of 90 feet, and the number of units may correspondingly be increased to range from 105 to 145.
7. The roof structure of the apartment house at the corner of 17th and O Streets shall not exceed 18.5

feet in height above the level of the roof upon which it is located.

8. The height of the apartment house to be constructed to the west of the existing ATA building shall not exceed forty feet. The building shall contain twelve dwelling units.
9. The percentage of lot occupancy shall not exceed fifty-seven percent.
10. The southern facade of the existing ATA building shall be refinished in accordance with the plans submitted, subject to final approval from the Historic Preservation Review Board. The northern, eastern and western facades of the existing ATA building may be refinished to result in a building more in keeping with the residential character of the area, subject to final approval from the Historic Preservation Review Board.
11. The air handling equipment located on the roof of the existing ATA building shall be removed or consolidated into one roof structure on the roof of the new building or wherever the overall air handling equipment for the offices is located.
12. The development shall include 275 off-street parking spaces, as shown on the plans marked as Exhibit No. 76 of the record. Eighty spaces shall be reserved for the apartments, and 195 spaces are for the office uses. "Knock-out" panels shall be provided between the two garages as shown on Sheets 19 and 20 of Exhibit No. 25D. Removal of those panels, to provide flexibility to accommodate future parking demand, shall be subject to approval of the Zoning Commission in an application for modification of the PUD.
13. Access to parking and loading facilities shall be as shown on Sheet 13 of Exhibit No. 25D. Loading facilities shall be as shown on Sheet 13.
14. The circular driveway located at the front of the existing ATA building shall be closed and the curb cuts removed when the main entrance to the offices from 16th Street is finished and a certificate of occupancy for the new office building has been issued.
15. Landscaping shall be provided in accordance with Sheet 12 of Exhibit No. 25D. The garden area shall be open to the public at least from 8:00 A.M. until sunset, daily.

16. 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.
17. 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.
18. No certificate of occupancy for the new office building shall be issued until a building permit for the apartment building at the corner of 17th and O streets has been issued and construction has commenced. The applicant shall further demonstrate to the Zoning Administrator, by way of performance bond, mortgage commitment or some other means, that it has the financial resources to complete the apartment building.

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

Vote of the Commission taken at the public meeting on August 16, 1984: 3-0 (Lindsley Williams, George M. White, and Maybelle T. Bennett, to adopt - Walter B. Lewis, not voting not having participated in the case and John G. Parsons, not present not voting).

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 ~~24 AUG 1984~~.

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WALTER B. LEWIS  
Chairman  
Zoning Commission



STEVEN E. SHER  
Executive Director  
Zoning Secretariat

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