

(NOTE: This order is amended by Z.C. Order No. 533)

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



ZONING COMMISSION ORDER NO. 457  
Case No, 84-18F/82-13C  
(Brookings Institution)  
May 13, 1985

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on March 18 and 21, 1985. At those hearing sessions, the Zoning Commission considered an application from the Brookings Institution for second-stage (final) review and approval of a Planned Unit Development (PUD) and related map amendment, pursuant to Sections 7501 and 9101, respectively, 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 September 24, 1984, requested final review and approval of a PUD for lots 113 and 863 in Square 157 and related change of zoning from R-5-D to SP-2 for a portion of lot 113 that is not currently zoned SP-2.
2. The applicant proposes to incorporate an existing office building into a new development and construct a mixed-use office and residential development.
3. The PUD site is located in the square bounded by P Street, N.W. on the north, 17th Street on the east, 18th Street on the west, and Massachusetts Avenue on the south, and comprises approximately 65,419 square feet of land area.
4. Lot 113 is a through lot with frontage on P Street and Massachusetts Avenue. It is also split-zoned, with approximately 38,538 square feet of the lot, including all of the Massachusetts Avenue frontage, zoned SP-2. The remaining 24,088 square feet of the lot, which fronts on P Street, is zoned R-5-D.
5. The Massachusetts Avenue frontage of Lot 113 is

presently occupied by two office buildings, known as 1775 and 1755 Massachusetts Avenue. The 1775 Massachusetts Avenue office building is the headquarters of the Brookings Institution and is occupied entirely by Brookings. The 1755 building, Brookings; annex building, is only partially occupied by Brookings. The remainder is leased by Brookings to other non-profit organizations. The portion of the Massachusetts Avenue frontage of Lot 113, between Brookings' headquarters building on the east and the National Trust for Historic Preservation on the west, is vacant, The P Street frontage of Lot 113 located between the National Trust on the west and the Avondale Cooperative on the east., is currently being used as a community garden and a parking lot.

6. Lot 863, an alley lot, is located to the east of the Avondale Cooperative apartment building at 1734 P Street, and contains approximately 2,793 square feet of land. The applicant is not seeking to develop or rezone this lot.
7. Lot 863 is included in the PUD application for the sole purpose of obtaining Zoning Commission authorization to remove a covenant held by the D.C. Government on this property restricting its use to office parking-, and for Zoning Commission approval for use of the lot for residential parking by the Avondale Cooperative. The covenant is currently required by Board of Zoning Adjustment (BZA) Order No. 6541, dated November 20, 1961. The covenant was required in connection with BZA approval of the construction of 1755 Massachusetts Avenue, Brookings' annex building. As part of the PUD, Brookings will provide all required parking for its existing office buildings and all new construction in an underground parking garage on Lot 113. Lot 863 will be deeded by Brookings to the Avondale Cooperative for residential parking use.
8. 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.
9. The SP-2 District permits matter-of-right medium/high density development including all kinds of residential uses, with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the BZA, to a maximum height of ninety feet, a maximum FAR of 6.0, of which no more than 3.5 FAR may be

devoted to other than residential uses, and a maximum lot occupancy of eighty percent for residential uses.

10. 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.
11. The PUD site is near the corners of Massachusetts Avenue, and 18th and P Streets, N.W. , about one block east of Dupont Circle. To the south of the site, across Massachusetts Avenue, there are some large residential buildings converted to non-residential use, such as the Yater Clinic and the Canadian Embassy. Also, there are some highrise buildings, such as 1740 Massachusetts Avenue, mainly occupied by the Johns Hopkins University, and 1776 Massachusetts Avenue, an office building. To the west is a former apartment building now converted to office use and owned by the National Trust for Historic Preservation. To the north across P Street there are several renovated townhouses converted to flats with the exception of the corner building at 18th Street which is used for offices. The rest of the north side of P Street is occupied by townhouses used as single-family units or flats. To the east of the site, along P Street, is the Avondale Cooperative building, some townhouses and the Webster House, a high-rise residential building. Along Massachusetts Avenue there are four high-rise buildings of which three are residential and one is office use.
12. The zoning pattern in the subject area is varied. To the north of the PUD site is R-5-B zoning. To the northeast is C-2-B with SP-1, R-5-B, and R-5-C beyond. To the east is SP-1 with R-5-B beyond. To the southeast and south is SP-1 with SP-2 and C-4 beyond. To the southwest and west is SP-1 with C-3-C beyond. To the northwest is SP-1 with C-3-B beyond.
13. The applicant proposes to construct a mixed-use residential/office project on the unbuilt portion of Lot 113. The project will include an eight-story office component with 89,323 FAR square feet of office space for professional and non-profit SP-2 office users and residential component along P Street which includes three two-to-three story townhouses each containing approximately 850 FAR square feet and an eight-story apartment house containing 74,047 FAR square feet of residential space. The apartment house will contain up to eight-two new housing units including one-bedroom apartments and studios. The office component will be

located at the western edge of the project site, adjacent to the National Trust for Historic Preservation. The office component will front on Massachusetts Avenue and terminate behind the townhouse units at a distance of sixteen, twenty, and twenty-two feet from the P Street property line. The apartment building will be located adjacent to the Avondale Cooperative with frontage on P Street. A landscaped courtyard will be located to the rear of the apartment building adjacent to the Brookings headquarters building.

14. The applicant indicated that the PUD site is at a pivotal location between the predominately residential uses to the north of P Street, and the office and institutional uses on Massachusetts Avenue to the south. The mixed-use project will fill the existing void between the offices of the National Trust and the Brookings headquarters building on Massachusetts Avenue and will provide an effective transition between the existing office and residential uses on P Street.
15. The total FAR of the project is 4.8 with non-residential uses limited to 3.8 FAR.
16. The main pedestrian entrance to the lobby of the apartment building and the individual entrances to the residential townhouses will be on P Street. Another entrance to the rear of the apartment building will lead from the landscaped courtyard. Pedestrian access to the office building will be from Massachusetts Avenue.
17. The project will include a two-level underground parking garage with 194 parking spaces, 128 for office use and sixty-six for residential use. Access to the residential parking spaces will be from P Street. Access to the office parking spaces will be from Brookings" existing garage entrance on Massachusetts Avenue.
18. The applicant proposes to provide one loading berth, which will be shared by the residential and office components of the project, on P Street. The loading berth will be attractively screened to complement the aesthetic character of the project's P Street facade.
19. On November 21, 1983, the Zoning Commission, by Z.C. Order No. 413 granted first-stage (preliminary) approval of a PUD, subject to development conditions, guidelines, and standards. The PUD provisions of the Zoning Regulations require the applicant to conform to those development conditions upon filing an application for final PUD review. With respect to those

guidelines, conditions and standards, the Commission finds as follows:

- A. The second-stage application includes an application for rezoning 21,668 square feet of the 24,088 square feet of land in Lot 113 which is presently zoned R-5-D to SP-2. This amount of rezoning is necessary to support the project. The remaining 2,420 square feet of the land which is presently zoned R-5-D will not be rezoned leaving a 10-foot-wide strip of R-5-D zoned land at the P Street project frontage.
- B. The final design of the project is based on the plans submitted and approved in Brookings' first-stage application as modified by the guidelines, conditions and standards of the first-stage approval order. The project is a mixed-use project containing office and support uses and residential uses. The proposed office building will be occupied by Brookings, a non-profit organization, and other users which are permitted by the Zoning Regulations in SP District. The proposed residential component of the project includes a seventy-nine unit apartment building and three residential townhouse units for a total of eighty-two dwelling units. Residential uses shall be limited to single-family dwellings, flats or apartments and shall not allow for any transient accommodations.
- C. All areas of the project which front on P Street are devoted to residential uses. At the P Street property line, the proposed project includes an apartment house and residential townhouses providing an unbroken residential street-scape from the National Trust to 17th Street.
- D. The floor area ratio (FAR) for the entire project is 4.8. The non-residential FAR is 3.8.
- E. The total lot occupancy of the project does not exceed seventy-five percent.
- F. The maximum height of the proposed office building is sixty-nine feet at the Massachusetts Avenue property line. The height of the proposed apartment house at the P Street property line is an average of sixty-seven feet. The height of the proposed residential townhouse units at the P Street property line are thirty-four and twenty-five feet. The maximum height of the entire project is ninety feet exclusive of roof structures. The setbacks and height variations of

the proposed apartment building are in accordance with those approved in the first-stage order,

- G. The roof structures of the office and residential buildings do not exceed 18.5 feet in height above the level of the roof upon which they are located. The height of the roof structure for the residential building, as measured from the P Street frontage including the decorative parapet, is 93.5 feet. The functional height of the roof structure does not exceed 91.5 feet,
- H. The project includes an interior courtyard containing a minimum of 10,567 square feet. A recessed, stepped is be the focal point of the courtyard. The courtyard shall be well protected and lighted to deter crime.
- I. Parking for the residential component is provided at a minimum rate of four spaces for each five dwelling units. The parking garage contains sixty-six residential parking spaces for eighty-two dwelling units, providing a ratio of four spaces to five units. Parking for the office and support space is provided at a minimum rate of one space for each 1,800 square feet of gross floor area. The garage contains 128 office parking spaces providing an actual ratio of one space for each 1,761 square feet of gross floor area.
- J. The parking and loading access points from P Street have been consolidated so that there are two curb cuts serving two vehicular entrances to the building on P Street. One curb cut is for the vehicular entrance to the underground residential parking spaces. The second curb cut is for the shared loading dock for the proposed residential and office uses.
- K. The parking lot located on Lot 863 will be operated in accordance with the plan marked as Exhibit No. 151 in the record of the first-stage proceeding. Upon approval of its second-stage PUB application and issuance of a Certificate of Occupancy for the parking garage, the applicant will initiate the administrative process necessary for the removal of the covenant restricting use of Lot 863 to parking for Brookings' annex building. Brookings will also transfer ownership of Lot 863 to the Avondale for residential parking use.
- L. The second-stage application plans were submitted

to the Historic Preservation Review Board on September 24, 1984. On October 17, 1984, the Review Board approved the project at its monthly meeting. No written decision or comments were issued by the Board.

- M. The applicant submitted to the Zoning Commission with the second-stage application an affirmative action program designed to provide for equitable participation by residents of the District of Columbia in the development of the project. The applicant entered into an agreement with the D.C. Minority Business Opportunity Commission regarding the scope and implementation of its affirmative action plan.
  - N. In its second-stage application, the applicant stated that the existing air-handling equipment located on the roof of the one-story portion of the building between 1775 and 1755 Massachusetts Avenue, across the alley from the Avondale Cooperative apartment building, will be removed upon approval of its second-stage application.
  - O. The applicant has submitted one application for second-stage approval including the entire project. This application contains a proposal for construction of this project in two phases. One phase provides for the construction of 89,323 square feet of office space, 126 office parking spaces, three residential townhouse units (2,568 square feet), and three residential parking spaces. The other phase provides for the construction of the eighty-two unit apartment building containing 74,047 square feet or up to eight-two units and sixty-six residential parking spaces. The applicant requested flexibility as to which phase will proceed first. As revised at the hearing, the applicant stated that should it proceed with the office building first, it will commence construction of the apartment building prior to the issuance of a certificate of occupancy for the office building.
  - P. No site grading or any other change in the existing character of the property has taken place since the first-stage PUD approval by the Zoning Commission.
  - Q. Brookings' second-stage application was filed prior to the December 16, 1984 expiration dated of Z.C. Order No. 413.
20. The applicant requested the Zoning Commission to grant

development flexibility in the following areas:

- A. To vary the location and design of all interior components of the residential and office building including partitions, doors, layout and location of bathrooms and kitchens, hallways, electrical and mechanical rooms, and placement of columns;
  - B. To vary the number of residential units by no more than ten units to allow for the development of additional two-bedroom units;
  - c. To make minor adjustments in the facade and window detailing and exterior materials pursuant to final approval of the Historic Preservation Review Board provided that the maximum FAR approved by the Commission is not increased; and
  - D. To vary the underground parking plan for the entire project, depending upon phasing of the project. If phasing is allowed, the Phased Parking Alternatives would be implemented.
21. The District of Columbia Office of Planning (OP), by memorandum dated March 8, 1985 and by testimony presented at the public hearing, recommended that the application be approved. The OP indicated that, in its opinion:

The applicant has complied with Zoning Commission Order No. 413. The key issue in the second stage case is whether the residential design solution along P Street meets Condition No. 4. On this frontage the revised design sets the office building back from the building line an average of twenty feet. In this location three townhouses with heights of thirty-four and thirty-five feet front on P Street, allowing for windows and natural lighting for the office stories above to the rear.

These changes increase residential space by approximately twelve percent and decrease the office component by the same percentage. The new proposed residential and office square feet are 76,615 and 89,323 respectively versus 68,535 and 100,640 as proposed in the first-stage.

The applicant is also proposing to have a ten foot R-5-D District along the entire P Street frontage.

22. The OP, by memorandum dated March 26, 1985, indicated that the draft Land-Use Element of the Comprehensive Plan identified the subject area as a Special Treatment

Area (STA) when the first-stage review of this application was being considered. However, the adopted Generalized Land-Use Element of the Comprehensive Plan deletes the STA and identifies the subject area for high-density residential as a predominant use. The OP believed that the land-use policy issues should be and were resolved during the first-stage review of a two-stage process, and upon considering other elements of the Plan,. believed that the application is not inconsistent with the Comprehensive Plan.

23. Advisory Neighborhood Commission - 2B, by letter dated March 11, 1985 and by testimony presented at the public hearing, opposed the application because of the following reasons:
  - A. The office development north of Massachusetts Avenue, N.W. and on P Street, in particular, is not desirable, as recognized by the then Proposed Generalized Land-Use Plan of the District of Columbia and by Z.C. Order No. 413;
  - B. The office building is set back from the P Street property line sixteen feet at the closest point would change the almost exclusively residential character of the 1700 block of P Street;
  - C. The project utilizes the maximum office FAR permitted and therefore, requires the rezoning of ninety percent of the P Street property from R-5-D to SP-2, while the remaining ten foot wide strip of residential zoning is not adequate to prevent further encroachment of SP zoning and consequent office use northward into the neighborhood;
  - D. The proposed rezoning plan would establish a precedent whereby rezoning to permit undersirable use in residential neighborhoods could more easily be accomplished by retaining narrow strips of residential zoning around a proposed project.
24. The Avondale Cooperative, party in the proceedings, by letter dated March 4, 1985 and by testimony presented at the public hearing, supported the application because of the following:
  - A. The project is designed to be compatible with the Avondale;
  - B. The project will provide new residential units on P Street enhancing the stability and security of the street and area;
  - C. The project proposes a building on P Street which

is substantially lower and smaller than ten-story ninety foot high structure that could locate as a matter-of-right under R-5-D zoning;

- D. The applicant has agreed to covenant with the Avondale regarding future development levels;
  - E. The applicant has agreed to transfer lot 863 which is a part of this application for parking for Avondale residents.
25. One person testified at the public hearing and letters from three persons were received in support of the application for reasons that included the following:
- A. Tax benefits to the city and economic development;
  - B. Number of construction and permanent jobs;
  - C. Acceptable scale, height, mass and general configuration; and
  - D. Community involvement.
26. The Citizens Coalition Against the Proposed Brookings Office Building, party in the proceedings, by letter received on March 4, 1985 and by testimony presented at the public hearing, opposed the application. The Coalition expressed the following concerns:
- A. The proposed density of the project is too high;
  - B. The proposed height with a sixteen-to-twenty foot setback at P Street exceeds the sixty-seven foot height limit, as per Z.C. Order No. 413;
  - C. Application is not consistent with Condition No. 4 of Z.C. Order No. 413 which states "All areas of the building which front on P Street, N.W. shall be devoted to residential use;"
  - D. The economic values of residential properties will be adversely affected by the increase of commercial office space;
  - E. The existing traffic problems on P Street will be exacerbated by the proposed loading plan and by traffic that will be generated as a result of the project;
  - F. The architecture and the streetscape of P Street will be adversely affected by the incompatibility of an office building at a sixteen-to-twenty foot set back at P Street;

- G. The proposed ten foot strip of R-5-D zoning along the P Street frontage is precedent-setting from a planning perspective, and offers no protection for adjacent residential uses;
  - H. The proposal is inconsistent with the adopted Generalized Land-Use Element of the Comprehensive Plan which reserves the subject site for residential use; and
  - I. The applicant failed to file detailed floor plans or drawings showing elevations of revised site plans.
27. Letters from three City Council members and twenty-eight individuals and organizations, and three petitions were received in opposition to the application. The reasons for opposing the application, as indicated in those letters and petitions, were as previously identified by the Citizens Coalition.
28. In response to the issues and concerns of ANC 2B, and those of the other parties and persons in opposition, the Commission finds as follows:
- A. This is a second-stage application for approval of a planned unit development, The focus of a second-stage application is to review the design elements of a project to determine whether they are consistent with the first-stage preliminary approval. Consequently, many of the issues raised by the opposition seek to reopen matters disposed of in the first-stage approval, and are not appropriate for further consideration in this application.
  - B. The Commission concurs with the position set forth by the Office of Planning, as noted in Finding No. 22.
  - C. With reference to the frontage on P Street, the building as proposed by the applicant is not the form of development contemplated by the Commission when it granted preliminary approval. However, the proposed building is completely consistent with the specific requirements of the preliminary approval. All of the portions of the building which directly and immediately touch on the street are devoted to residential uses. The Commission notes that the word "front" in Condition No. 4 of Order No. 413 was one of a number of words that the Commission used in the original discussion of this matter. The Commission did not intend to distinguish "front" from "face," "abut" or "on,"

and the various legal memoranda to that effect attempt to create a distinction where none was intended, The Commission does note the definition in the Zoning Regulations of "'street frontage" as "the property line where a lot abuts upon a street." The Commission finds that all portions of the building fronting on P Street are devoted to residential use.

- D. To the extent that portions of the office building may be visible from P Street, the Commission will impose a number of conditions on the final approval to maintain a more residential character to the P Street side of the project. No fluorescent fixtures or Venetian blinds will be permitted on north facing windows. Further, the height of the townhouse portion of the residential units will be increased by one story, to reinforce the townhouse scale of those units and to more closely duplicate the character of the houses on the north side of P Street.
- E. The design of the mix of uses on the property is appropriate. The office uses are located between existing office uses to the east and west. The residential uses are located west and south of other existing residential uses. The Commission notes that even though part of the site is now zoned R-5-D, there is no existing residential use on the site at present, and there has been no residential use of the site for many years. The subject planned unit development will result in housing constructed on the site.
- F. The emphasis placed by the opposition on the location of the zone boundary line is overstated. The subject project is a planned unit development, The project, combining office and residential uses, must be considered as a whole, The controls set forth in this order effectively supercede the normal SP-2 and R-5-D zoning criteria. The ten foot strip of R-5-D zoning retains the residential zoning on P Street. Actual residential use is mandated to a depth greater than ten feet by this order.
- G. The nature of this action does not set a precedent for future zoning changes. Each case must be evaluated on its own merits. It is doubtful that a sufficiently similar set of facts would be present in another case for which this case could serve as a meaningful precedent.

- H. The specific questions of height, density and traffic impact were resolved by- the conditions contained in the first-stage approval.
  - I. Condition No. 7, which specifies the maximum permitted height, specifically requires variations in the permitted height, as reflected on a specified set of plans from the record in Case No. 82-13C. Comparison of the present proposed plans with the earlier plans, which were presented side-by-side at the public hearing, reveals no significant changes as to height. The present application is consistent with the prior approval.
  - 3. There was no probative or substantive evidence introduced to reflect that the subject development would have any adverse effect on property values.
  - K. Sufficient plans and elevations are part of the record to satisfy all the requirements of Section 7501.
29. The Commission concurs with the position of the Avondale Cooperative and finds that the project is compatible with the Avondale, will enhance the stability and security of the area, and will provide a structure of lower density than could be constructed as a matter-of-right. The Commission is mindful of agreements between the applicant and the Avondale Cooperative, and does not object to the extent that those agreements have no negative affect on this PUD.
30. As to the applicant's requests for flexibility, the Commission finds as follows:
- A. Variations in the interior design components are not material to this decision, and can and should be permitted.
  - B. Because the exact market for residential units cannot be determined in advance of sales, it is appropriate to allow the applicant to reduce the total number of units by up to ten, to allow the opportunity to create two bedroom units, The total floor area devoted to residential space is not decreased as a result.
  - C. Because the exterior design must receive final approval from the Historic Preservation Review Board, it is appropriate to allow the applicant to make minor adjustments to accommodate historic preservation interests.

- D. The construction of the project can proceed in one or two phases. However, even if the project is built in two phases, the Commission will require the entire underground garage to be built in the first phase. This will minimize disruption caused by excavation, and will insure that the total parking component is provided without interruption.
31. The Commission finds that the applicant has met the intent and purpose of the Zoning Regulations, the Planned Unit Development process, and the preliminary approval including the related conditions, guidelines, and standards.
32. 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, by report dated May 2, 1985, indicated that, subject to the guidelines, conditions, and standards proposed by the Zoning Commission at its public meeting on April 8, 1985, the PUD and rezoning would not adversely 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 goals, plans and programs, and is sensitive to environmental protection and energy conservation,
4. Approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia.
5. The approval of this PUD application is consistent with the purposes of the Zoning Act.

6. 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,
7. 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.
8. The Zoning Commission has accorded to the Advisory Neighborhood Commission 2B the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of this second-stage application for a Planned Unit Development for lots 113 and 863 in Square 157, which is the square bounded by 17th, 18th, and P Streets, and Massachusetts Avenue, N.W., comprising approximately 65,419 square feet of land area. The Commission further orders APPROVAL for a change of zoning from R-5-D to SP-2 for that portion of lot 113 in Square 157 that is beyond ten feet from the southern right-of-way line of P Street, N.W. The approval of this PUD and change of zoning are both subject to the following conditions, guidelines, and standards:

1. The planned unit development shall be developed in accordance with the plans prepared by Keyes, Condon, Florance, Architects, marked as part of Exhibit No. 7 of the record, as modified by the guidelines, conditions and standards of the order,
2. The project shall be developed as a mixed use project, including office and support uses and residential uses. All office uses shall be limited to those permitted in the SP District. Approval of the BZA shall not be required for office uses. Residential uses shall be limited to single family dwellings, flats or apartments and shall not allow for any transient accommodations.
3. The floor area ratio (FAR) for the entire project shall not exceed 4.8. The non-residential FAR shall not exceed 3.8.
4. The total lot occupancy shall not exceed seventy-five percent.
5. The height of the new building shall not exceed

sixty-nine feet at the Massachusetts Avenue property line. The height of the new building along P Street shall be as shown in Figure 8 of Exhibit No. 7 of the record. The height of the new building shall not exceed 88.9 feet. All of the heights stated in this condition exclude roof structures, gables and architectural embellishments, and are taken from the measuring point of 82.35 feet above mean sea level, the elevation of the first floor of the existing Brookings building.

6. Roof structures shall not exceed 18.5 feet in height above the level of the roof upon which they are located. The roof structure for the residential component of the building shall not exceed 93.5 feet in height measured from the P Street frontage.
7. The project shall include an interior courtyard containing a minimum of 10,567 square feet. A recessed, stepped fountain shall be the focal point of the courtyard. The courtyard shall be well protected and lighted to deter crime.
8. The residential portion of the building shall contain no more than eighty-two dwelling units, in the form of one-bedroom and efficiency apartments. The applicant may add two-bedroom units and reduce the total number of units, provided there is a minimum of seventy-two dwelling units in the building.
9. There shall be no direct interior connection between the office and residential portions of the project.
10. The number of parking spaces for the overall PUD shall be 194, which shall include 128 office parking spaces and sixty-six residential parking spaces. All spaces reserved for compact cars or for cars for handicapped persons shall be clearly marked and reserved for those vehicles.
11. The location of all pedestrian and vehicular access points, parking areas, and loading facilities shall be as shown on Figure 3 of Exhibit No. 7.
12. The landscaping of the courtyard and other open spaces shall be carried out in accordance with Figure 9 of Exhibit No. 92. The landscaping of Lot 863 shall be in accordance with Figure 10 of Exhibit No. 7 of the record. Additional quantities of planting materials may be added to the plans.
13. The design of the townhouse type residential units on the P Street facade shall be as shown on Exhibit No. 73L, provided that the height of those units shall be

increased by one additional story, for a total of three stories.

14. The facade design treatment and materials of the proposed building shall be generally consistent with the plans marked as part of Exhibit No. 7, but shall be subject to approval on final review by the Historic Preservation Review Board and/or the Mayor's Agent for Historic Preservation.
15. The parking lot located on lot 863 (Square 157) shall be operated in accordance with the plan marked as Figure 10 of Exhibit No. 7 of the record. Upon the issuance of a certificate of occupancy for the parking garage portion of the new development, the use of Lot 863 shall be limited to residential parking for the Avondale Cooperative apartment house. BZA Order No. 6541, dated November 20, 1961, is amended accordingly to remove the requirement that the use of Lot 863 be restricted to office parking for the Brookings Annex.
16. The existing air handling equipment located on the roof of the one-story portion of the building between 1775 and 1755 Massachusetts Avenue, across the alley from the Avondale Cooperative apartment building, shall be removed.
17. The applicant may vary the location and design of all interior components of the residential and office portions of the building, including partitions, doors, layout and location of bathrooms and kitchens, hallways, electrical and mechanical rooms, and placement of columns.
18. The applicant shall use incandescent ceiling light fixtures and curtains or drapes in the office windows which have a northern exposure. No fluorescent fixtures or Venetian blinds shall be visible through those windows.
19. The applicant shall implement an affirmative action plan during the construction phase of the project pursuant to the terms of its agreement with the Minority Business Opportunities Commission dated March 20, 1985, marked as Exhibit No. 75 of the record.
20. The project may be built in one phase or in two phases. If the project is built in two phases, no certificate of occupancy for the office portion of the building shall be issued unless construction of the residential portion of the building has commenced. Construction of the entire underground parking area shall be included in the first phase.

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. If the project is constructed in phases, as set forth in Condition No. 20, the time periods specified are applicable to Phase I.
22. 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. If the project is constructed in phases, covenants applicable to the entire property shall be recorded before the issuance of a building permit for Phase I. When the covenant is recorded, the applicant shall file a certified copy of that covenant with the records of the Zoning Commission.

Vote of the Commission taken at the public meeting on April 8, 1985: 4-1 (George M. White, Patricia N. Mathews and Lindsley Williams, to approve with conditions and Maybelle T. Bennett, to approve by absentee vote - John G. Parsons, opposed),

The order was adopted by the Commission at its public meeting held on May 13, 1985 by a vote of 4-1 (Lindsley Williams, Patricia N. Mathews, George M. White, and Maybelle T. Bennett, to adopt - John G. Parsons, opposed).

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 7 JUN 1985.

  
MAYBELLE T. BENNETT  
Chairperson  
Zoning Commission

  
STEVEN E. SHER  
Executive Director  
Zoning Secretariat