

Government of the District of Columbia

ZONING COMMISSION



Zoning Commission Order No. 461
Case No. 84-9C
June 10, 1985
(Techworld PUD)

Pursuant to notice, public hearings before the District of Columbia Zoning Commission were held on November 26, November 29, December 3, December 6, December 13, December 17 and December 20, 1984, and January 3, January 10, January 22 and January 28, 1985. At these hearings, the Zoning Commission considered an application from Convention Center Associates, 7th and K Associates, 8th Street Associates and M.E. and I.P. Edlavitch (the applicants) for preliminary or consolidated review and approval of a Planned Unit Development (PUD) under Article 75 of the Zoning Regulations of the District of Columbia and for a related change in the Zoning Map, pursuant to Sections 7501 and 9101, respectively, of the Zoning Regulations of the District of Columbia. The hearings were conducted under the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The original PUD and rezoning application was filed with the Zoning Commission on April 20, 1984. At its May 14, 1984, public meeting, the Zoning Commission decided to hear the Techworld PUD as the first stage of a two-stage application. The public hearings were set for July 23, 26 and 30, 1984. The Commission requested that the applicants submit design alternatives prior to the public hearing. On June 21, 1984, the applicants requested a postponement of the public hearings to prepare in detail the alternate studies sought by the Commission. The request for postponement was granted.
2. On August 31, 1984, the applicants requested that the Commission reconsider the processing of the PUD and hear the matter either as a consolidated or a two-stage PUD application. That request was granted, and the application was advertised for hearing in November and December, 1984, to be considered either for consolidated or first stage approval,

3. This application is for the development of the World Technology Trade Center, referred to in this order as Techworld, a proposed mixed-use project to be located directly east of the Convention Center and south of Mount Vernon Square. Techworld will be bounded by K Street, 7th Street, I Street and 9th Street, N.W. The site includes all of Square 403, except Lot 13, and all of Square 427, except Lots 4, 21 and 813, as well as the area of the former right-of-way of 8th Street between I and K Streets, N.W.
4. The subject site includes ninety-three percent of the land area of squares 403 and 427, as well as the 35,792 square foot segment of 8th Street between I and K Streets. The total land area of the project is 165,601 square feet. The applicants are attempting to acquire Lot 13 in square 403 and Lots 4, 21 and 813 in square 427, but those lots are not part of the PUD application.
5. The PUD site is split-zoned HR/C-3-C and C-3-C. The majority of the site is located within the Hotel/Residential Incentive District (HR District). That portion of the site fronting on K Street, to a depth of thirty feet, is zoned C-3-C without the HR Overlay District.
6. The Techworld PUD application includes a request to change the Zoning Map from HR/C-3-C and C-3-C to C-4 for the entire site.
7. The C-3-C District permits major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one hundred percent.
8. As a development incentive, the HR overlay district also permits the construction of apartment buildings and/or hotels to a maximum FAR of 8.5, and a maximum height of 130 feet, depending on the width of the street upon which the building fronts. The HR overlay district requires a setback from the street above a height of 110 feet,
9. The C-4 District is the downtown core comprising the retail and office centers for both the District of Columbia and the metropolitan area, and allows office, retail, housing and mixed uses to a maximum height of 110 or 130 feet, and a maximum FAR of 8.5 or 10.0, with the maximum height and FAR depending on the width of adjoining streets.
10. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this

application as a consolidated or preliminary PUD. The Commission may also impose development conditions, guidelines, and standards which may exceed or be lesser than the matter-of-right standards identified above.

- 1.1. The FAR guideline for a PUD in a C-3-C District is 7.0, the maximum building height is 130 feet and the maximum permitted lot occupancy is 100 percent.
12. The FAR guideline for a PUD in a C-4 District is 11.0, the maximum building height is 130 feet and the maximum permitted lot occupancy is 100 percent.
13. The subject site is now largely vacant. All of the land in square 403 is currently devoted to parking.
14. The Washington Convention Center is located across 9th Street to the west of the proposed project. Mount Vernon Square, a Federal reservation, is located across K Street to the north. The subject site is centrally located in the Convention Center! Chinatown and Gallery Place areas of Downtown.
15. The Old Central Public Library, also known as the Carnegie Library and referred to in this order as the Library, is located on Mount Vernon Square, with its central entrance block centered on 8th Street at K Street. This structure, a Category II landmark, is now part of the University of the District of Columbia. The National Park Service retains jurisdiction over the land in the Square.
16. The Greater New Hope Baptist Church, a Category III landmark, is located on the west side of 8th Street, one-half block south of I Street.
17. Further south at G Street, is the Old Patent Office, referred to in this order as the Museum, a Category I landmark, which now houses the National Museum of American Art and the National Portrait Gallery.
18. Two fully developed alternative designs for Techworld are included in the record of this case, the original design filed on April 20, 1984, and the alternate design filed on September 27, 1984, in response to the Commission's comments at its May 14, 1985, meeting.
19. During the course of the hearing on the application, the applicants indicated that they no longer sought approval of the original design, and were seeking approval solely of the alternate design. The findings and conclusions of this order therefore relate to the alternate design, unless specifically stated otherwise.

20. Techworld will include the following components in a single mixed-use building:
 - A. A trade center for the high-technology industry with associated display/office, educational and service space;
 - B. A convention hotel;
 - C. Retail and consumer service facilities;
 - D. Open space at the plaza level for pedestrian circulation throughout the project;
 - E. Underground loading and service facilities;
 - F. Three levels of underground parking; and
 - G. Below-grade function space for banquets, conferences, exhibitions, and training and education activities.
21. The developer of Techworld is International Developers, Inc. (IDI).
22. The trade center for the high-technology industry will include approximately 1.1 million square feet of display/office and service space. The products and services located in the trade center will primarily involve the information industries, including computers, office automation and telecommunications. There will be three categories of tenants at Techworld:
 - A. Hardware manufacturers, software producers and service suppliers in the high-technology industry;
 - B. Trade and professional associations; and
 - C. Technical, professional and financial service support organizations.
23. The convention hotel will be owned and operated by Ramada Inns, Inc. The hotel will be located in the northwest quadrant of the site and will front on 9th Street, N.W. directly across from the Convention Center. The hotel will provide needed lodging for the Convention Center. It will contain 910 rooms and retail, food and beverage and consumer service facilities. Hotel ballrooms, meeting rooms and hospitality suites, and a health spa are included in the hotel program and will serve Techworld visitors and Convention Center attendees.
24. One level below ground, the function area contains approximately 100,000 square feet of space. This area

will be used for exhibitions and conferences, training and education and ballroom functions. The function areas will be available for use by the Convention Center.

25. The main entrance to the trade center and the Visitor Information Center will be in the middle of the project. The Visitor Information Center is an important element in the trade center concept,, Visitors and potential customers will receive information about tenant locations and events taking place on the function level, and at other locations in the City.
26. Techworld will include a museum of high-technology, the Exploratorium, which will be located on the plaza level. The Exploratorium will display the advanced instruments and applications of high-technology. The Exploratorium will be open to the public.
27. At the plaza level, 53,000 square feet of space will be provided for retail, food and beverage and consumer service facilities. These facilities are in addition to those facilities provided within the hotel lobby area. Market support for these facilities will be generated by local and out-of-town visitors to Techworld and the Convention Center, employees of tenants of the Techworld trade center and hotel and nearby office workers.
28. A total of 1,300 on-site underground parking spaces will be provided on three levels below the function level. Two entrances to the parking garages will be provided, one located on 7th Street and one on I Street. A covered driveway will service the hotel entrance on 9th Street, across from the Convention Center.
29. All loading and service facilities for Techworld will be located underground, accessible at a single point on I Street. Trucks and busses will enter the underground facility from I Street.
30. The proposal included a helipad on the hotel roof to provide helicopter service to transport Techworld visitors to and from the three metropolitan Washington airports.
31. The project will be developed in stages over a period of years. The first stage development will include the hotel and a minimum of 500,000 square feet of the trade center, together with the required adjunct space for retail and function facilities and underground parking. Later stages will include the balance of the trade center with necessary adjuncts.

32. Matter-of-right development on the Techworld site is 8.5 FAR for the majority of the site and 6.5 FAR for the thirty northernmost feet of the project site, for a total allowable FAR of 8.32 under existing zoning. The allowable building height is the maximum permitted under the Act of 1910. On K Street, the Regulations require a setback of thirty feet at the ninety foot height and a second setback at the 110 foot level at an angle of no more than forty-five degrees from the property line to 130 feet. The Zoning Regulations require a setback at the 110 foot height on 9th Street, 7th Street and I Street.
33. The applicants request a maximum floor area ratio of 9.5, with a building height of 130 feet, excluding mechanical penthouses, other roof structures and architectural embellishments, and antennas, and variations in the setback requirements for the site. The lot occupancy requested is ninety percent, including glass covered courts.
34. The high-technology industry is one of the fastest growing industries in the United States. Washington, D.C., is strategically located as a center of the mid-Atlantic regional market for the products of high technology, particularly the information industries.
35. The strength of the Washington market for a high-technology trade center lies in:
 - A. The City's proximity to military and civilian government agencies;
 - B. The number of foreign embassies and chanceries located in the District;
 - C. The City's position as the fourth largest regional high-tech market in the Nation;
 - D. The fact that Washington is the headquarters of more than one-third of all national associations; and
 - E. The growing population of high-technology research and development around the Beltway.
36. The Techworld trade center will be a marketplace where the users of information products will buy, sell and learn about high-technology equipment. Qualified buyers and sellers will conduct business at Techworld. Sellers will demonstrate their products to potential customers in the display/office space of the trade center. Buyers will be able to compare products within the facility.

37. Techworld's Downtown location across the street from the Convention Center is important to the trade center concept. The Convention Center and Techworld will function together, attracting business and professional groups to each. Techworld will cooperate with the Convention Center and with other entities in the Washington area to attract potential buyers of information products.
38. The original design for the project consisted of six octagonal forms. The hotel occupied the two octagons adjacent to 9th and K Streets. The trade center occupied the four octagons fronting on I and 7th Streets. The inner sides of the octagons formed an open court in the center of the site. Two connecting links were designed to span the former right-of-way of 8th Street above the sixth floor level. The original design was clad in reflective glass to reflect the theme of high-technology, to reduce the perceived height and mass of the project, and to acknowledge and complement the surrounding structures.
39. In response to the Commission's request for alternative designs, the applicant developed several alternative schemes. The scheme that the applicant labeled alternative 5 was the proposal submitted as the alternate designs, as noted in Findings No. 18 and 19.
40. In the project as proposed under the alternate design, the height of the building would be 130 feet. The building would generally frame the outer boundaries of the two block site with pedestrian plaza and arcades within much of the core. The facades of the building would be made of precast stone and tinted glass, with the exception of the use of reflective glass on the bridge and the two octagonal towers located in the middle of the project.
41. The former right-of-way of 8th Street is bridged by a single connecting structure at the middle of the site. As proposed, its underside is approximately sixty-three feet above plaza level, with facades extending upward another seventy-two feet or six stories. The bridge structure measures seventy-six feet from north to south and sixty-five feet from east to west. The former right-of-way of 8th Street was reduced from 100 feet to approximately sixty-one feet south of the bridge and approximately seventy-five feet to the north,
42. The building had a setback at the ninety foot height on the K Street elevation. That setback was twenty-eight feet in depth directly across from the Library and sixteen feet to the east and west along the remainder

of the Mount Vernon Square frontage. No setbacks were proposed along 7th, 9th and I Streets.

43. A number of separate roof structures were proposed, at a height of 18.5 feet above the level of the roof. Dish satellite antennas and other telecommunications equipment would also be established on the rooftop.
44. The applicants propose to develop the alternate project in three phases, in accordance with the plan marked as Exhibit No. 267 of the record. The first phase would include the hotel and approximately one-half of the trademart space, including the bridge across the former right-of-way of 8th Street,
45. In January, 1984, the applicants submitted an application to the Office of the Surveyor to close the portion of 8th Street, between I and K Streets, and the alley in Square 403,
46. While the application was pending before the Council of the District of Columbia, at the Council's request, the applicants prepared and filed covenants in connection with the closing regarding the 8th Street vista, pedestrian circulation, fire safety access, and the City's desire to see Techworld built. The covenants were required by the Council as a condition of the street closing.
47. On November 8, 1984, the Council closed the portion of 8th Street, between I and K Streets, and a public alley in Square 403, subject to conditions, to permit the Techworld development. The area of the former right-of-way of 8th Street was transferred to the abutting property owners in Square 403 and Square 427. Those owners are the applicants in this case.
48. On November 16, 1984, the covenants were filed in the Recorder of Deeds Division of the Department of Finance and Revenue. The covenants are Exhibit Nos. 88 and 89 of the record.
49. The project as now proposed complies with the covenant conditions imposed by the Council as conditions of the closing of 8th Street. The original design, which preceded the covenants, does not meet the covenant requirements, particularly with regard to the preservation of the 8th Street vista.
50. The need for large amounts of uninterrupted floor space is essential to the creation of the trade center environment and to the success of Techworld itself. Principles of effective trade mart design suggest that a trademart should ideally be located in one building

with large floors of continuous horizontal space. While several constraints of the project site make such an ideal configuration not totally possible, the Techworld design creates a desirable trade center environment by providing up to 1.1 million square feet of interconnected trademart office/display space accessible through one main entrance.

51. Techworld is made possible by the connecting link over a portion of the former right-of-way of 8th Street, which is important to the functional viability of Techworld. The connecting link will create six floors of trade mart space of approximately 90,000 square feet each. This layout will ensure the large amounts of continuous floor space necessary to adequately serve small, medium and large Techworld tenants and make the project economically viable as a high-technology trademart. Large continuous floors also provide necessary floor space for the large tenants for present use and future expansion.
52. Techworld will generate substantial new employment opportunities. The Techworld project will likely create 6,600 full-time jobs. This includes 300 construction jobs for a period of four years, 1,300 permanent operations jobs including hotel management, maintenance, security, parking, cleaning and communications, and 5,000 permanent jobs within the Techworld trade center.
53. One-third of the jobs at Techwarld are likely to be held by District residents. At least two-thirds of the 1,300 jobs in the hotel, retail, parking, and operations of Techworld are likely to be held by District residents,, Two-thirds of these 1,300 jobs will likely be held by minorities. Of the 5,000 jobs in the Techworld trade center, a minimum of twenty percent, or 1,000, are projected to be for District residents. It is further estimated that minorities will hold twenty-five percent, or 1,250, of the jobs in the trademart portion of Techworld.
54. The employment opportunities afforded neighborhood residents as a direct result of the Techworld project will likely spur future development of the area and help improve the quality of life in the project neighborhood.
55. The applicants have committed themselves to provide significant opportunities for minority business and jobs at Techworld. ID1 will participate voluntarily in the District of Columbia's First Source Employment Agreement Act of 1984, and will encourage all other parties who control job opportunities at Techworld to

comply voluntarily with the First Source Act. Further, IDI will give special priority in hiring to unemployed residents of the Shaw and Chinatown areas, and will initiate a job-training program for entry-level employees. The applicants will give qualified minority-owned businesses access to business opportunities created by Techworld, The applicants have entered into commitments with the Minority Business Opportunity Commission and the Department of Employment Services regarding minority business opportunities, job training and an electronic job bank and referral system. Those commitments are part of Exhibit No. 115 of the record.

56. Techworld will generate significant tax revenues for the District of Columbia. Direct tax revenues to the District will average over \$15 million annually for a total of over \$170 million by 1998, It is estimated that Techworld will yield \$6.5 million more in annual net revenue benefits or over \$81 million more than maximum matter-of-right development would generate in the same time period.
57. Between 1985 and 1988, Techworld will likely inject over \$1.0 billion into the District's economy, taking into account the portion of the income of Techworld workers and businesses that will be spent in the City, generating revenue, jobs and income for many persons not directly involved in the project. If compared to matter-of-right development, the net additional multiplier benefits of Techworld will likely exceed \$43 million annually, or over \$600 million by 1998.
58. Due to present economic conditions, vacant land, underutilized sites and dilapidated buildings in the area of the Techworld site, normal hotel or office development is not currently financially feasible. Because of its large size and special mixed-use character, Techworld generates its own economic feasibility, despite present development trends. Traditional office or hotel development cannot currently be financed on the Techworld site.
59. The proposed Techworld PUD incorporates the planning goals relevant to its location in Downtown, as set forth in the Mayor's Downtown Committee Report entitled "Recommendations for the Downtown Plan" and incorporated into the Comprehensive Plan for the District of Columbia.
60. Techworld is consistent with the elements of the Comprehensive Plan, and particularly with the Downtown Element.
61. The key land use objective for Downtown is mixed-use development which attracts a variety of users and

ensures an active and productive Downtown at different times of day and night. Hotels are especially important in the immediate area of the Convention Center.

62. Techworld's underground parking and loading facilities are consistent with the goals of providing adequate below-grade loading facilities and controlling automobile and truck access. Techworld's ground level plazas will encourage street-level activity and will facilitate pedestrian movement Downtown. Techworld will be convenient to visitors because it will be located across from the Convention Center and will be within walking distance of three Metrorail stations.
63. Techworld will include more than 65,000 square feet of space on the plaza level for pedestrian circulation. Pedestrians can walk through the project from 9th Street to 7th Street, N.W. and from I Street to K Street along the center of the former 8th Street right-of-way. The provision of open space is consistent with the Downtown Plan's goal to convert 8th Street to a pedestrian-oriented way both north and south of Mount Vernon Square.
64. Half of the Techworld site is located in Chinatown. To incorporate Chinatown themes into the Techworld project, Techworld will include three Chinese gardens: a Garden of Crystal Waters, a Garden of Mystic Rocks, and a Garden of Exotic Plants. These gardens will provide street-level character to accommodate pedestrian circulation.
- 65.. The Convention Center and Techworld will complement each other. Techworld will provide amenities for convention attendees and will create a special sense of place and activity for visitors through open plazas that encourage pedestrian circulation. Techworld's 910 room hotel will provide lodging for convention visitors. There will be opportunities to share overflow function space between Techworld and the Convention Center. Techworld will help to establish a special ethnic character through the use of Chinese gardens at the plaza level of the project. Techworld will create a gateway between the Washington Convention Center and Chinatown.
66. Techworld will contribute to the revitalization of a portion of the 7th Street corridor, an area targeted for arts, retail and cultural development. The retail shops and street orientation of Techworld will act as a central focal point for these activities. The Exploratorium on the plaza level will attract visitors in the area and provide an opportunity for the public to learn about high technology.

67. Techworld will be compatible with the revitalization goals of the Mount Vernon Square and Shaw areas. Eighth Street is to be converted into a pedestrian-oriented street, both north and south of the Square. Techworld meets the area objective of creating a major concentration of hotels relating to the Convention Center, considerable new office development and mixed-use projects.
68. Techworld provides numerous amenities in connection with the PUD, as follows:
- A. The former right-of-way of 8th Street will consist of a pedestrian walkway and Chinese gardens. The plaza will offer opportunities for the display of artwork, and will be well-suited as an outdoor stage for music, theatre and dance events and for street performers and artists as well.
 - B. The Chinese gardens establish a special ethnic character in recognition of the Chinatown area to the south and east.
 - C. The Museum of Advanced Technology, with entry on the plaza level and occupying a mezzanine floor as well, will display the newest instruments and applications of high technology. The Exploratorium, which will be open to the public, will supplement existing Washington museums.
 - D. Techworld will include street-level shops, restaurants and service businesses. These retail uses will help draw visitors and shoppers into the Downtown area.
 - E. Techworld's below-grade function area and educational center will house conference facilities and state-of-the art facilities for seminars, workshops and lectures. These facilities will provide opportunities for Washington-area educational institutions to use the facilities and participate in the instructional programs.
 - F. All deliveries will be made through the below-grade service area on I Street. This will minimize Techworld's impact on the external street system.
 - G. Techworld's location adjacent to the Convention Center will offer significant benefits to both facilities. Many of the events at the Convention Center will generate business for the Techworld trade center and retail shops. For events requiring a great deal of floor space, Techworld may

use the Convention Center facilities. The Techworld convention hotel will provide needed hotel, banquet and conference space for both facilities. Techworld's underground parking garage for 1300 automobiles will serve as an important adjunct to the Convention Center, providing needed parking for Convention Center activities at night and on weekends.

69. Techworld will provide 1,300 automobile parking spaces on three levels below the function level. Techworld will include three loading berths at fifty-five feet, six loading berths at thirty feet and six service/delivery loading spaces at twenty feet. Parking spaces for six buses will also be provided underground. All trucks, buses and service vehicles will enter and exit the site via an underground ramp on I Street. Cars will enter and exit on 7th and I Streets.
70. All intersections within the immediate vicinity of Techworld will operate at acceptable levels of service with the exception of two: New York Avenue/7th Street/Mount Vernon Place and Massachusetts Avenue/7th Street/K Street. The problems of these intersections are caused by currently-existing conditions, and matter-of-right development would operate at the same level of service as Techworld.
71. The Deputy Mayor for Economic Development, by testimony at the hearing, stated the support of the Executive Branch of the District of Columbia Government for the Techworld proposal. The Deputy Mayor testified that municipal agencies have worked closely with the applicants to:
 - A. Ensure compliance with the Comprehensive Plan;
 - B. Modify the Techworld design so that it would enhance and preserve the 8th Street vista and the project's relation to Mount Vernon Square and to the Convention Center;
 - C. Obtain assurances that District residents would have the opportunity to participate in the economic and educational benefits of this project; and
 - D. Obtain for the city a thorough understanding of Techworld's programmatic and functional requirements.

The Deputy Mayor was of the opinion that Techworld would act as a catalyst for the redevelopment of Downtown and as a complement to the Convention Center,

and that the project's economic and design benefits merited expeditious approval.

72. The Office of Planning, by final report dated November 16, 1984 and by testimony at the hearing, recommended approval of the Techworld application. The Office of Planning concluded that:
- A. Techworld is compatible with District of Columbia plans and policies, particularly with respect to the Downtown Element of the Comprehensive Plan. The project will retain and expand existing businesses, attract new industries and create additional jobs for District residents. Further, it will promote the City as a major trade, tourism and convention center, and will provide a wide range of employment services, including job training, education and job placement.
 - B. The additional bulk and density requested by the applicants is consistent with the project neighborhood, and would create an expansion of the focus now provided by the Convention Center. The project height is allowable as a matter-of-right and is appropriate for the site.
 - C. The Techworld plan meets the locational and functional requirements of a successful trade center. Its location provides convenience of access to the U.S. Government, the foreign diplomatic community and national associations, as well as to the growing regional market. The trade center is as near as possible to an optimal configuration, given the constraints of the project site. Techworld will have a single point of entry, large amounts of continuous floor space, a convention hotel and related amenities. The connecting link over 8th Street is essential to the success of Techworld.
 - D. The Techworld design responds positively to the City's Downtown Design Policies and Guidelines. The project design acknowledges the importance of maintaining the horizontal skyline of the City. Through the use of setbacks, materials and modular facades, the design is compatible with its neighbors. At the same time, Techworld contains elements symbolic of its "high-tech" function. Further, the building design responds favorably to the unique functional requirements of a trademart while remaining sensitive to the need to protect the reciprocal vistas between the Museum and the Library along 8th Street.

73. The Department of Consumer and Regulatory Affairs, by memorandum dated November 13, 1984, recommended approval of the Techworld application. The memorandum stated that the Historic Preservation Review Board does not have jurisdiction to review Techworld,
74. The Washington Convention Center Board of Directors, by letter dated November 6, 1984, and by testimony at the hearing, stated its support of Techworld. The Board and general manager of the Convention Center believed that the trade show environment of the Convention Center and the Techworld trade center would complement each other, and the convention hotel component of Techworld would help satisfy the lodging needs of both facilities.
75. The Office of the Superintendent of Schools, by letter dated October 30, 1984, expressed its support of Techworld, emphasizing the Exploratorium, the museum of high-technology, the developer's commitments to education and job training and the prospective employment opportunities that Techworld will provide to the city's youth,
76. The Department of Human Services, by letter dated November 13, 1984, supported the applicants' commitments to hiring minorities and District residents.
77. The Office of Business and Economic Development, by report dated November 13, 1984, strongly endorsed the Techworld PUD application. Specifically, the Office concluded that:
 - A. Techworld will have a profound and beneficial effect upon the revitalization of the eastern part of the old Downtown, catalyzing further development in the area and complementing the Convention Center;
 - B. Techworld will generate significant tax revenues to the District and provide thousands of new jobs, a large percentage of which will be held by minorities and District residents: and
 - C. Techworld will be an exemplary mixed-use development with extensive public amenities.
78. The Department of Public Works (DPW), by report dated November 16, 1984, concluded that Techworld itself will not adversely affect the area's street system. The DPW made the following recommendations to improve the traffic flow to and from the Techworld site:

- A. Expand the truck and bus parking area to a minimum width of seventy feet to include additional maneuvering area for the types of vehicles that will use the facility;
- B. Coordinate the final design of the hotel pick-up/drop-off area with DPW; and
- C. Reconsider the location of the two trash compactor areas.

The DPW recommended that the helipad component of the Techworld application be denied. The applicants agreed to coordinate the final design of the truck and bus parking area and the hotel pick-up/drop off area with DPW.

79. The Fire Department, by report dated November 15, 1984, and by testimony at the hearing, stated that Techworld will not adversely affect the operations of the Fire Department so long as all buildings have automatic sprinklers and 8th Street remains physically open and unobstructed until all building-s abutting the street are razed. The Department further testified that it has the authority to ensure that adequate fire safety precautions will be taken at Techworld.
80. The Department of Housing and Community Development, by memorandum dated November 13, 1984, had no objection to granting the PUD.
81. The Department of Employment Services, by memorandum dated November 8, 1984, commended the applicants' commitments to job training, affirmative action and employment preference to unemployed residents of Chinatown and the Shaw area.
82. The Chief of Police, by report dated November 8, 1984, stated that Techworld would not generate any substantial increase in the needed level of police service, and would not impact adversely upon the Department's First District operations. The Department was concerned about the following items:
 - A. Necessity to provide 24-hour private security patrols within the plaza mall area;
 - B. Adequate lighting and landscape planning to eliminate areas of darkness or shadows within the plaza;
 - C. Adequate lighting in the underground parking garages to eliminate shadows;

- D. Provision of attendants at the two entrances of the underground parking facility to monitor access; and
 - E. Regular patrol or surveillance of the underground parking facility by private security guards.
83. The Department of Finance and Revenue, by memoranda dated July 6 and November 15, 1984, recommended approval of Techworld.
84. The District of Columbia Public Library, by memorandum dated November 15, 1984, supported approval of the Techworld application.
85. The Office of the Corporation Counsel, by memoranda dated October 31, 1984, and March 1, 1985, advised that the proposed project could be built to a height of 130 feet. The Office of the Corporation Counsel reviewed the provisions of the Act of 1910, and concluded that the language of the Act regarding how the law effects a building fronting on a public reservation would allow a building of 130 feet in height, even though the width of the immediately abutting streets would otherwise limit the height to a maximum of 110 feet.
86. The National Capital Planning Commission (NCPC), by memorandum dated November 28, 1984, and by testimony presented at the public hearing, recommended approval of the Techworld application. The NCPC found that the proposed alternate design:
- A. Has been substantially redesigned, and responds to concerns expressed by NCPC and other public agencies;
 - B. Maintains the basic outlines of the L'Enfant Street Plan by placing the facades of the buildings on the building lines on 7th, I, 9th and K Streets, and continuing 8th Street through the project;
 - C. Maintains the existing 8th Street cartway or greater width of street for the entire length of the block between I and K Streets, and proposes a landscape treatment of 8th Street which furthers the recognition of the street as a special place;
 - D. Encourages pedestrian circulation through the project in conformance with the Comprehensive Plan;

- E. Proposes a building setback along the K Street frontage in keeping with the building scale and massing of Mount Vernon Square; and
- F. Uses a precast lower portion of the proposed building facades at a scale and articulation similar to existing neighborhood buildings.

The NCPC concluded that the narrowing and bridging of the former 8th Street right-of-way would not and should not constitute a precedent for other streets in the city. The NCPC recommended approval of the application, subject to appropriate height and bulk requirements determined by the Zoning Commission.

- 87. The Commission of Fine Arts, by letter dated November 21, 1984, and by testimony at the hearing, expressed its concern with the Techworld project. Specifically, the Commission concluded that:
 - A. The development proposed for the site is excessive, and would encroach into 8th Street; and
 - B. The original all-glass design of the project's exterior was superior to the alternate design. The Fine Arts Commission believed that the alternate design would overwhelm the Library.
- 88. The Smithsonian Institution, by letter dated November 29, 1984 and by testimony at the hearing, supported development on the project site, but opposed the design of Techworld. The Smithsonian believed that Techworld would impair the reciprocal vista between the Library and the Museum and would not be architecturally compatible with the neighborhood. The Smithsonian recognized the need for a connecting link, but recommended that this be accomplished underground.
- 89. Advisory Neighborhood Commission (ANC) 2C supported the PUD application by testimony presented at the public hearing and by letter and a written statement. According to ANC 2C's letter, dated November 19, 1984:
 - A. The project will be a catalyst for the economic development of Downtown;
 - B. The alternate design responds to community concerns regarding the bulk, density and perceived height of the project;
 - C. The reciprocal view of the Library and the Museum along 8th Street is adequately protected;
 - D. The applicants have committed to provide job opportunities for District of Columbia residents;

- E. The applicants have committed to provide business opportunities for minority firms;
- F. The applicants are willing to provide job and training opportunities for unemployed and under-employed District residents; and
- G. The project will enhance the neighborhood, is consistent with District of Columbia plans and policies, and will provide a living and working environment with amenities superior to those which could otherwise be achieved.

ANC 2C supported the approval of Techworld as a one-step PUD so as not to delay the benefits the project will provide to the city and to the neighborhood.

- 90. Dr. William Chin-Lee, a party in support of the application and a person active in Chinatown affairs, by testimony at the public hearing, stated that the project would substantially and significantly enhance the public health, safety, welfare and convenience of the Chinatown area.
- 91. Duane Wang, a party in support of the application and the owner of several businesses and properties in the immediate vicinity of the project, by testimony at the hearing, supported the application because it would help restructure the physical, economic and social environment of the area.
- 92. The Chinatown Development Corporation (CDC), a party in support of the application, is a District of Columbia Corporation that was established in 1982 for the purpose of developing the Chinatown area. Its first project has been the development of the planned Far East Trade Center on 7th Street between G and H Streets. By testimony at the hearing, the CDC stated that the proposed development would complement the Far East Trade Center, would help stimulate development in the area and will provide job opportunities.
- 93. The Chinatown Steering Committee, a party in support of the application, by testimony at the hearing, supported the project as important to the continued success of the Convention Center and the enhancement of Chinatown. The Committee recommended that the location of the service entrance be moved from I Street to K Street. The Committee further recommended that emphasis be placed on an oriental design and motif for the building and streetscape.
- 94. The Shaw Project Area Committee (PAC), a party in support of the application, by testimony at the hearing,

supported the project. The PAC noted the benefits of the project in terms of jobs and contracts to minority businesses, training opportunities for entry-level positions in high technology, and job referrals to community groups. The PAC believed that the job and minority opportunities program, the design and open space and the training and education facilities of the project will provide a superior living and working environment for residents in the Shaw area.

95. There were many letters of support for the project from persons living, working or owning property in the area.
96. Councilmember John A. Wilson, by letter dated December 13, 1984, Councilmember John Ray, by letter dated December 13, 1984, and Councilmember Charlene Drew Jarvis, by letter dated December 17, 1984, supported the project. The Council-members noted the benefits from the project that would accrue to the District, including tax revenues, job opportunities, minority business opportunities and job training.
97. The application was opposed by the Committee of 100 on the Federal City and the D.C. Preservation League, appearing as a joint party in opposition. Testimony was also received from the Citizens Planning Coalition, the Dupont Circle Conservancy, the Victorian Society of American and Harriett B. Hubbard, as persons in opposition.
98. The parties and persons in opposition raised the following arguments in opposition to the application:
 - A. The proposed design would destroy the 8th Street vista and the visual enjoyment of the Library and the Museum. The construction of a building with a bridge seventy-six feet wide and sixty-five feet high beginning sixty-five feet above the street will destroy the openness of the sky so critical to the enjoyment of the vista. Allowing views of the classical landmark buildings through the project by allowing a small amount of sky to be seen above the buildings is inconsistent with the integrity of the vista and can in no sense be considered improved through framing.
 - B. The intrusion of the building into the former right-of-way of 8th Street will also damage the vista, both by restricting lines of sight beyond matter-of-right development and through the sheer volumetric intrusion of the proposed design.
 - C. The proposed design destroys important elements of the L'Enfant Plan and modern urban design plans

for the District of Columbia. The city Government has officially recognized and encouraged adherence to the L'Enfant Plan as a guide for urban development in the District of Columbia since the Plan has contributed so significantly to enhancing the character of the city, making it a better place to live and work. The Plan was devised by the selection of topographically prominent sites for principal buildings, thereafter connected by radial avenues which could afford clear vistas between these buildings. On the final Plan prepared by L'Enfant, which included the designation of Mount Vernon Square and the square on which the Museum sits, L'Enfant indicated his intention to create broad vistas among these squares, including Mount Vernon Square, noting that "the situation of these squares is such, that they are most advantageously and reciprocally seen from each other . . . and connected by spacious avenues."

- D. The proposed design is too high for the site. The building does not respect the setback required by the underlying zoning along the north side of the site facing Mount Vernon Square. Furthermore, under the Act of 1910, the proposed height of 130 feet can be achieved only if the height can be measured from a street having a width of at least 110 feet. None of the surrounding streets is at least 110 feet wide, and the Act of 1910 will not allow a building height of 130 feet.
- E. The neighborhood will not be enhanced by the construction of the proposed design.
- F. Approval of the proposed design is not necessary for the redevelopment of the 8th Street area. Redevelopment of the area is progressing already, and would occur in the short term future even without approval of Techworld.
- G. The increased revenues claimed by the applicants are in large measure simply a function of the large increase in floor area ratio requested. The increase in revenues over matter-of-right development is almost totally a function of the acceleration of redevelopment by some number of months and the dramatic increase in square footage requested over that allowed by matter-of-right development without the street closing.
- H. The applicants did not meet their burden of demonstrating that Techworld would largely be used as a trademart rather than an office building.

- I. There was insufficient evidence of customer demand for a high-technology trademart in the District of Columbia.
 - J. The economic studies offered were insufficient to establish the probability that the development would be successful as a trademart rather than as an office building.
 - K. The applicants did not establish that the encroachment into the former right-of-way of 8th Street and the development above 110 feet are necessary to achieve the total amount of square footage for a high-technology trademart.
 - L. The applicants did not establish that the bridge is necessary to create sufficiently large floors for a viable trademart. If Techworld were built without encroachments into 8th Street, the maximum floor size achievable would be approximately 60,000 square feet per floor. The developer did not meet its burden of establishing that the additional square footage per floor was necessary to be viable as a trademart.
 - M. The applicants did not meet their burden of proving that the bridge is required in order to ensure that the trademart is contained in one building.
 - N. The phasing proposed by the applicants is inappropriate to this site and unjustified by the economic evidence. The applicants did not meet their burden of establishing that the first phase of the project required construction of the bridge over the former right-of-way of 8th Street.
99. The Commission has carefully considered the arguments raised in opposition to the application. In response to those arguments and issues, the Commission finds as follows:
- A. The design as proposed limits, but does not destroy, the 8th Street vista. The former right-of-way has been narrowed from 100 feet to approximately sixty feet at its narrowest point. The bridge as proposed had a clear height of sixty-three feet above the plaza level, and as conditioned by this order will have a clear height of seventy-five feet. Those distances are sufficient to provide a clear view of either the Library or the Museum from any point between the two.

- B. The design as proposed represents a narrowing of a view that now exists. There are now no buildings on the subject site on either side of the former right-of-way of 8th Street, and there is clearly no building over that former right-of-way at present. Consequently, any construction on the subject site, even including development as a matter-of-right, would represent a narrowing of the view from the Library to the Museum and vice versa. The Commission finds that the narrowing of the present view does not destroy or interrupt any legitimate visual connection between the two buildings.
- C. The Council of the District of Columbia established municipal policy by closing 8th Street between I and K Streets for all official purposes. The right-of-way does not exist any longer. As part of that closing, the Council required the recordation of certain covenants affecting the design of whatever occurred on the subject site. The proposed design is consistent with those covenants.
- D. There is much evidence in the record both in favor of and opposed to the proposed design as it relates to the impact on the vista. Much of that evidence is highly theoretical in nature, as well as being subjective. Expert opinion on both sides legitimately supported the view that the project is either positive or negative in its effect on the vista. The Commission finds that the vista will be preserved, and that the economic benefits to the District of Columbia, cited elsewhere in this order, sufficiently outweigh any negative impact caused by the narrowing of the vista to warrant approval of the application.
- E. The development of the project as proposed represents an improvement over the current condition of the vista. The current condition consists of empty lots on both sides of the former right-of-way, as well as parked cars and trucks, street trees and signs that effectively eliminate the views from many places between the Library and the Museum. The improvement of the 8th Street vista to a paved pedestrian area, with landscaping as conditioned in this order, will provide additional locations from which the vista can be appreciated.
- F. The proposed design does not fundamentally change any of the elements of the L'Enfant Plan. Again, there is considerable testimony and evidence in the record about the impact of the design on the Plan. The L'Enfant Plan must be viewed in the

context of the city which has grown up around it, The L'Enfant Plan has not been implemented in exactly the same manner in which it was originally conceived or drawn. The Plan did not call for a Carnegie Library or a Patent Office. Eighth Street is not the first street shown on the Plan to be closed. However, the basic framework of the L'Enfant Plan has remained intact, and that framework is not violated by the design of the proposed project. The Commission notes the comments of the NCPC, as set forth in Findings No. 86 and 107.

- G. As set forth in Findings No. 59 through 63, the project is consistent with the elements of the Comprehensive Plan, including the Downtown Element.
- H. The proposed design is not too high for the site. Except for the thirty feet closest to the right-of-way of K Street, the proposed height does not represent an increase over the height now permitted as a matter-of-right, which is the maximum permitted under the Act of 1910. The project includes setbacks along the K Street frontage, consistent with the urban design context of the HR District, even though those setbacks are not identical to those required by the HR/C-3-C District. The Commission reiterates its Finding of Fact No. 10: "The Commission may . . . impose development conditions, guidelines and standards which may exceed or be lesser than the matter-of-right standards . . ." The Commission has further required setbacks to be included on the I and 7th Street sides of the project. The apparent height of the building is minimized by the limitations on the placement of roof structures and antennas.
- I. The Commission accepts the legal analysis of the Office of the Corporation Counsel, and finds that a maximum height of 130 feet is permitted for the site under the Act of 1910.
- J. The neighborhood will be enhanced by the proposed development. The economic benefits to the area have been set forth earlier in this order, as are the existing physical development conditions. As noted in Finding No. 58, the project generates its own feasibility, whereas conventional development of the site is not now possible.
- K. The economic benefits to the District of Columbia are set forth in Findings No. 52 through 57. These benefits offer significant advantages over development as a matter-of-right, not the least of

which is that coordinated development of the two squares involved would occur in a timely manner? providing an economic stimulus to an area which needs that stimulus now.

- L. In this decision, the Commission will require that much of the building be used as a trademart. The whole basis for the project, including its benefits to the city and the rationale for the design, is derived from the trademart concept. If the project were not a trademart, the connecting bridge and other elements of the design would not be necessary. Accordingly, if any use other than a trademart is proposed for the designated portion of the building, as limited by this order, approval of the Zoning Commission will be required.
- M. The applicants did provide sufficient evidence and testimony that the project was entitled to approval. The record contains information on both sides of the feasibility and desirability issues. All parties agree that there is a lack of definitive evidence based on experience with high-technology trademarts. The IDI is an experienced developer with many successful projects in the Washington metropolitan area. There is no reason to reject out of hand the applicants' testimony and evidence regarding the rationale for the trademart and the needs of the program of the project.
- N. The applicants need not establish that the project is economically viable, even though there is some evidence from the applicants in the record in that regard. If the project is not viable, then that is the risk that the applicants take in going forward. The Commission notes that there are many PUD projects which have been approved but which have not been built. There are further projects which have been approved and built, for which changes in the building and/or use have been sought. The Commission restates its position that the project as approved is only for use as a trademart and associated uses, as specifically controlled by Condition No. 2 of this Order. If another use is proposed, the applicants face the potential of having to substantially redesign or alter the project to fit the facts of a future case.
- O. As set forth in Finding No. 51, the connecting bridge over the former right-of-way of 8th Street is necessary to ensure the viability of the project. If the applicants are not permitted to

build the bridge in the first phase, the project as a whole is threatened.

- P. The Commission must strike a balance between the urban design objectives raised by the opposition and the economic development objectives noted by the applicants, various District of Columbia government agencies and the parties in support. The Commission finds that it has reached an appropriate decision. In its conditions, the Commission will help preserve the vista by increasing the minimum vertical clearance of the bridge, by requiring a design that is more vertical than horizontal in its emphasis and by limiting the size of trees planted in the pedestrian area.

100, With respect to the other issues raised in the record, the Commission finds that:

- A. The Commission concurs with the recommendations of the Department of Public Works that the helicopter landing area be eliminated. No sufficient basis for that item was presented.
- B. The appropriate location for the truck loading entrance is on I Street. The disruptions to streetscape and traffic flow are less likely to occur on the south side of the project.
- C. Appropriate conditions are necessary to ensure that the economic benefits anticipated by the city will actually occur. Accordingly, the applicants will be required to certify on a regular basis that the job training, minority business participation and affirmative action components are being achieved.
- D. One of the significant benefits of the project is the underground service area, as noted in Finding No. 68. Accordingly, the Commission will require that the underground loading and service area be included in the first phase of the development.

101. Following the close of the record, the submission of all materials requested by the Commission and the submission of proposed findings of fact and conclusions of law by the parties, the Commission met to consider a decision on this case. The Commission discussed the case at public meetings held on March 11 and 14, 1985. At the March 14, 1985, meeting, the Commission approved a series of guidelines, conditions and standards to be attached to approval of the application,

102. The Commission further determined to reopen the record and to require the applicants to submit revised plans meeting certain specific objectives. The applicants were directed to address additional setbacks along 7th, 9th and I Streets, the setback of roof structures, elimination of the lowest level of the bridge, a vertical versus horizontal appearance of the facade and reduction of the appearance of the bridge.
103. The Commission held an additional public meeting on April 16, 1985, to give further consideration to the width of the separation between the elements of the building along the former right-of-way of 8th Street. The Commission amended the previous conditions to require an eighty-five foot separation,
104. On April 22, 1985, the applicants submitted a letter and revised plans in response to the Commission's request. The revised plans complied with all of the objectives cited in Finding No. 102, except for a setback along the 9th Street frontage and the eighty-five foot separation noted in Finding No. 103.
105. The revised plans were served on all parties to the case. No responses to the plans were received by the Commission.
106. The Commission finds that the applicants' arguments concerning the 9th Street setback and the eighty-five foot separation are persuasive. The impact on the hotel program occasioned by a setback and the lack of necessity for a setback opposite the Convention Center are significant. The impact of the eighty-five foot separation on the project's program is too heavy to be absorbed in addition to all of the other requirements imposed by this order,
107. 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 30, 1985, found that, subject to the guidelines, conditions, and standards proposed by the Zoning Commission at its public meeting on May 13, 1985:
 - A. The alternate design for the project has been further improved in response to the concerns expressed by NCPC and other public agencies. The improved alternate design:
 1. Maintains the basic outline of the L'Enfant Plan by placing the facades of the building on the building lines on 7th, I, 9th and K

Streets and by continuing 8th Street through the project;

2. Maintains at least the width of the existing 8th Street cartway between I and K Streets, and proposes a landscape treatment of 8th Street which furthers the recognition of the street as a special place;
 3. Encourages circulation throughout the project and along the former right-of-way of 8th Street in conformance with the Comprehensive Plan for the National Capital;
 4. Uses the precast lower portion of the facade at a scale and articulation similar to the scale of several existing neighborhood buildings; and
 5. Proposes a building setback at the ninety foot height along K Street which suggests a building scale and massing in keeping with, and reducing the potentially adverse impact on, Mount Vernon Square.
- B. The design issues related to the impact on 8th Street and the narrowing and bridging of the former right-of-way have been substantially resolved without compromising the essential integrity of the 8th Street vista or of the Techworld design and its functional and economic viability.
- C. The development of Techworld affords the opportunity for the appropriate design and orderly development of two squares framing the 8th Street vista and the south side of Mount Vernon Square, major elements of the L'Enfant Plan.
- D. The trademart functions proposed are particularly appropriate adjacent to the Convention Center. enhancing and complementing its operation and the continuous flow of exhibit/office space, essential to the trademart's functional and economic viability.
- E. Techworld can make substantial beneficial contributions to the District of Columbia and to the National Capital, particularly in the areas of local jobs and revenue and in serving as a catalyst for the redevelopment of an important but long blighted and neglected part of Downtown close to national historic landmarks and major elements of the L'Enfant Plan.

- F. Matter-of-right development at this important location would result in piecemeal development that lacks design control over an extended period of time, without consideration of the surrounding environment, including the many historic buildings, views and vistas and elements of the L'Enfant Plan.

The NCPC did not believe that the narrowing of and bridging over 8th Street in this instance, by itself, would or should constitute a precedent for other development proposed on other streets of the L'Enfant Plan or on any extension of a L'Enfant street in the District of Columbia.

CONCLUSIONS OF LAW

1. The maximum height permitted for the project under the Act of 1910 and the Zoning Regulations is 130 feet.
2. 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.
3. 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.
4. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
5. Approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia.
6. The approval of this PUD application is consistent with the purposes of the Zoning Act.
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 2C 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 consolidated application for a Planned Unit Development for all of Square 403 except Lot 13 and all of Square 427 except lots 4, 21 and 813, as well as the former right-of-way of 8th Street between I and K Streets, N.W., comprising approximately 165,600 square feet of land area. The Commission further orders APPROVAL for a change of zoning for the subject property from C-3-C and HR/C-3-C to C-4. 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 dated September 27, 1984, prepared by the Smith/Williams Group and Wiehe, Black, Jeffries, Strassman and Dove, marked as Exhibit No. 55B of the record, as modified by the guidelines, conditions and standards of this order,
2. The site shall be developed for use as a combination of (A) trade center for the high technology industry, (B) convention hotel, and (C) other uses, as follows:
 - A. The portion of the project devoted to the trade center for the high technology industry shall contain associated display, office, education and service space. On floors 2-12, at least one-third of the aggregate gross floor area devoted to display, office, education and service space shall be devoted to display space. Office uses shall be limited to those related to the trade mart function, including those related to the sale, service, support, regulation, import or export of high technology products and services. The trade center shall also include a visitor information center and a museum of high-technology (the Exploratorium).
 - B. The project shall include a convention hotel, containing between 900 and 910 rooms, and associated function rooms, commercial adjuncts and service areas,
 - C. The remaining uses shall include retail and consumer service facilities, open space at the plaza level, underground loading and service facilities, three levels of underground parking,

and below grade function space for banquets, conferences, exhibitions and training and education activities. The uses permitted in the retail and consumer service facilities shall be as listed in Condition No. 12.

3. The maximum floor area ratio for the entire project shall be 9.5.
4. The height of the project shall not exceed 130 feet, except for roof structures and antennas.
5. The building shall be set back along the K Street frontage above a height of ninety feet, as shown on Sheet 10 of Exhibit No. 55B.
6. Additional setbacks shall be provided along the I and 7th Street sides of the building, as shown on Exhibit No. 277 of the record.
7. The roof structures of the building shall not exceed 18.5 feet in height above the level of the roof upon which they are located. Nothing placed inside of or upon a roof structure shall project over the 18.5 foot limit. Roof structures shall be located as shown on Exhibit No. 277 of the record. No roof structures of any kind shall be located on the roof of the portion of the building which spans the former right-of-way of 8th Street. The floor area ratio for all roof structures shall not exceed 0.37,
8. Antennas may be located on the roof of the building only in those designated areas as shown on Exhibit No. 268. No antenna shall exceed a height of 18.5 feet above the level of the roof, or the height prescribed by any applicable portions of the Zoning Regulations at the time the antenna is to be installed, whichever is more restrictive. No antenna may be located on or on top of a roof structure or on that portion of the building which spans the former right-of-way of 8th Street.
9. The helicopter landing area proposed for the roof shall be eliminated.
10. The project shall include a convention type hotel with no less than 900 rooms and no more than 910 rooms.
11. The project shall include no more than 1.1 million square feet of gross floor area devoted to display/-office and service space.
12. The project shall include at least 50,000 square feet devoted to retail and service uses, Those uses shall

be those permitted under Paragraphs 5101.32, 5101.33, 5101.34, 5102.32, 5102.33, 5102.34, 5102.35 and 5102.36 (retail and service uses permitted as a matter-of-right in C-1 and C-2 Districts, plus places of assembly and theaters).

13. The project shall include a visitor information center and a museum of high technology (the Exploratorium) as shown on Sheet 5 of Exhibit No. 55B.
14. The first level below grade shall include approximately 100,000 square feet of hotel function space and exhibition/conference space, as shown on Sheet 4 of Exhibit No. 55B.
15. The percentage of lot occupancy shall not exceed ninety percent.
16. A minimum of 1,300 underground automobile parking spaces shall be provided on at least three levels. The lowest level of parking shall be reserved as accessory parking for the project between the hours of 7:00 A.M. and 6:30 P.M., Monday through Friday, excluding legal holidays in the District of Columbia. At all other times, these spaces, along with all the other spaces, may be used for general public parking.
17. A minimum of six spaces for bus parking shall be provided on the first underground level, as shown on Sheet 4 of Exhibit No. 55B.
18. A minimum of nine loading berths shall be provided on the first underground level, as shown on Sheet 4 of Exhibit No. 55B. At least six loading berths shall be twelve feet wide by thirty feet deep. At least three loading berths shall be twelve feet wide by fifty-five feet deep.
19. A minimum of three service/delivery loading spaces shall be provided on the first underground level, as shown on Sheet 4 of Exhibit No. 55B. The service/delivery loading spaces shall be twelve feet wide by twenty feet deep.
20. The design of the entrance to the underground loading area shall be as shown on Exhibit No. 200P of the record. The final location and design of the loading and bus parking area may be moved by up to one bay, subject to the approval of the Department of Public Works.
21. The direction of the driveway ramps shall be coordinated with the direction of the flow of traffic on the streets to which the ramps connect.

22. Landscaping shall be as shown on Exhibit No. 162I of the record. The trees to be planted in the former right-of-way of 8th Street shall not be allowed to exceed twenty feet in height.
23. Exterior paving materials shall be as described in Exhibit No. 162G of the record. The applicant shall extend the streetscape treatment for the full extent of the west side of 7th and the east side of 9th Streets between I and K Streets and the north side of I and the south side of K Streets between 7th and 9th Streets. The materials used in the sidewalk treatment shall be extended to include the pedestrian crosswalk across 9th Street to the convention center, located at the southern end of the hotel as shown on Sheet 1 of Exhibit No. 55B.
24. All exterior signs and graphics shall be in accordance with the criteria set forth in Exhibit No. 162F of the record.
25. The applicant shall coordinate the design and construction of improvements to the public space with the Department of Public Works, and shall bear their cost. The applicant shall further bear the cost of any traffic control measures and devices, including signs, traffic signals, medians, curbs, etc., in the immediate vicinity of the project that the Department of Public Works determines are required to handle the traffic generated by this project.
26. The seventh floor level of the portion of the building spanning the former right-of-way of 8th Street shall be eliminated, so that there is a clear distance of at least seventy-five feet between the level of the plaza and bottom of the span. The portion of the building spanning the former right-of-way of 8th Street may be removed.
27. The design of the facade shall be as shown on Exhibit No. 277 of the record, subject to the explanatory notes contained on the reduced size drawings which are part of Exhibit No. 271.
28. The facade of the portion of the building spanning the former right-of-way of 8th Street shall be as shown on Exhibit No. 277 of the record subject to the explanatory notes contained on the reduced size drawings which are part of Exhibit No. 271. The glass used in that portion of the building shall be the same color and type of glass used in the upper portion of the main facade of the building facing 7th, 9th, I and K Streets. If any other color or type of glass is to be used, the

final selection of glass is to be subject to the approval of the Zoning Commission.

29. The separation between the faces of the walls of the eastern and western portions of the building shall be no less than as shown on Sheet 9 of the plans marked as Exhibit No. 277 of the record.
30. The applicant shall comply with the commitments made to the Department of Employment Services (DOES) and the Minority Business Opportunity Commission (MBOC) by letters dated October 12, 1984, both letters attached to Exhibit No. 115 of the record. The applicant shall develop an affirmative action plan which shall be approved by the Executive Director of the MBOC. The applicant shall provide an annual certification to the Zoning Regulations Division, concurred in by the Director of the DOES and the Executive Director of the MBOC, that these commitments are being carried out and that the affirmative action plan is being monitored.
31. The applicant shall initiate and support a training program for entry level employment in the project, and shall support the development of an electronic job bank and referral system in the project. To assure that these programs are accomplished, the applicant shall certify to the Zoning Regulations Division prior to the issuance of building permits for the project, that it has met with representatives of the Department of Employment Services (DOES), the University of the District of Columbia (UDC) and the D.C. Public School System to initiate the training program and the job bank and referral system. Prior to the issuance of the initial certificate of occupancy, the applicant shall provide a certification to the Zoning Regulations Division, concurred in by the Director of the DOES, the President of the UDC and the Superintendent of Schools, that those programs have been established. This certification with concurrences shall be renewed on an annual basis.
32. The operator of the hotel shall not have an exclusive franchise for the service of food or drink in the other portions of the project.
33. The development shall comply with all of the requirements of the Zoning Regulations not specifically addressed in the conditions of this order, including size and location of and access to parking and loading spaces, bicycle parking and roof structures.
34. The project may be built in one phase. If the applicant chooses to construct the project in phases, the phases of construction shall be as shown on the plan

marked as Exhibit No. 267 of the Record. The entire underground loading and bus parking area shall be included in Phase I.

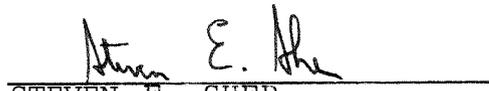
35. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, application must be filed for a building permit, as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.
36. If the project is constructed in phases, as set forth in Condition No. 34, the time periods specified in Condition No, 35 are applicable to Phase I. Construction of Phase II shall start within two years after the issuance of the initial certificate of occupancy for Phase I. Construction of Phase III shall start within two years after the issuance of the initial certificate of occupancy for Phase II.
37. 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 May 13, 1985: 3-2 (Patricia N. Mathews, Lindsley Williams and Maybelle T. Bennett to approve with conditions - George M. White and John G. Parsons opposed).

The order was adopted by the Commission at its public meeting held on June 10, 1985 by a vote of 3-2 (Patricia N. Mathews and Lindsley Williams to adopt - Maybelle T. Bennett to adopt by absentee vote - George M. White and 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 21 JUN 1985.


MAYBELLE T. BENNETT
Chairperson
Zoning Commission


STEVEN E. SHER
Executive Director
Zoning Secretariat

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