

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO, 493
case No, 85-9P
(Miller - PUB)
August 4, 1986

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on January 23, 30 and February 3, 1986. At those hearing sessions, the Zoning Commission considered applications from the Sahn Limited Partnership and J. Raymond Currey for first-stage (preliminary) 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. The record in this case incorporates the records in Z.C. Case No. 85-16F/84-20P (Donohoe - PUD) and Z.C. Case No. 85-20C (Abrams - PUD).

FINDINGS OF FACT

1. The applications, which were filed on July 19, 1985, requested preliminary review and approval.. of a PUD and a related change of zoning from R-5-B and C-2-B to C-3-R for lots 1, 14, 15, 26, 804 and 808 in Square 1661 with portions of a public street and alleys to be closed.

The applicant, by letter dated November 27, 1985, amended the application to include lot 800 in Square 1661. Lot 800 was acquired by the applicant on November 1, 1985, is contiguous to the subject site, contains 2,693 square feet of land area and is located entirely within the C-2-B District.

2. The applicant proposes to construct a mixed-use development including residential, office and retail uses.
3. The PUD site is comprised of approximately 95,363 square feet of land area and is located midway in Square 1661 which is bounded by Wisconsin and Western Avenues, Military Road, Jenifer and 43rd Streets, N.W. The site is an irregular "T-shaped" parcel with frontage of approximately 490 feet on 43rd Street and approximately 195 feet on Wisconsin Avenue. A fifteen foot

building restriction line exist along the 43rd Street frontage.

4. The PUD site is improved with several small buildings and a surface parking lot. The site slopes from a high point at the northern portion of the site along 43rd Street near Military Road, southward along 43rd Street with a grade change of approximately eight feet, and westward toward Wisconsin Avenue to a low point with a grade change of approximately ten feet,
5. The subject site is split-zoned with approximately one-third located in the C-2-B District and two-thirds in the R-5-B District,
6. The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of sixty feet.
7. The C-2-B District permits matter-of-right medium density development, including office, retail, housing, and mixed uses to a maximum height of sixty-five feet, a maximum floor area ratio (FAR) of 3.5 for residential and 1.5 for other permitted uses, and a maximum lot occupancy of eighty percent for residential uses.
8. The C-3-B District permits matter-of-right major business and employment centers of medium density development including office, retail, housing, and mixed uses to a maximum height of seventy feet/six stories, a maximum floor area ratio (FAR) of 5.0 for residential and 4.0 for other permitted uses, and a maximum Lot occupancy of one-hundred percent.
9. 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.
10. The Generalized Land-Use Element Map of the Comprehensive Plan shows the area in the vicinity of Square 1661 to include a Mixed Use Medium Density Residential category and Medium Density Commercial category. The subject area is also identified as a commercial. regional center, and a Metrorail station development oppartunity area.
11. The zoning pattern in the area includes: to the east, northeast and southeast, the R-2 District; to the north, the R-5-B and the C-3-A Districts; to the west, the C-2-B and C-3-A Districts; to the south, the R-5-B

and C-2-B Districts with the C-2-A and C-2-B Districts beyond, and; further to the north, northwest and west is Montgomery County, Maryland.

12. Existing uses on the subject site include a surface parking lot, a liquor store, a retail store and a veterinary office. The existing structures are all one or two story buildings.
13. North of the subject site in Square 1661 is the vacant one-story Interstate Bank building along Wisconsin Avenue. North of the Interstate Bank building along Wisconsin Avenue is the two-story First American Bank building. At the east corner of the intersection of Wisconsin and Western Avenues is the two-story NS&T Bank building with the drive-in facility of the bank to its east. This property was the subject of an application for a PUD and map amendment in Z.C. Case No. 84-20P, which was given first-stage approval on October 7, 1985 and for which the Commission is presently considering action in the second-stage PUD in Z. C. Case No. 85-16F/84-20P.
14. South of the site is the six-story Columbia First Federal Savings and Loan building, a surface parking lot and a single-family detached dwelling. This property is the subject of a PUD and a map amendment application in Z. C. Case No, 85-20C.
15. East of the site, across 43rd Street is a residential community, extending from 43rd Street to Connecticut Avenue, N.W. and consisting of detached and semi-detached dwellings.
16. West of the site, across Wisconsin Avenues is the Mazza Gallerie shopping center.
17. The site is located in the Friendship Heights neighborhood of the District of Columbia just south of the District's boundary with Montgomery County, Maryland. Wisconsin Avenue is characterized by commercial development north and south of the subject site. Other uses in the area of the site include:
 - a. The recently completed Chevy Chase Metro building, the Chevy Chase Shopping Center and Saks Fifth Avenue to the north in Montgomery County;
 - b. The Woodward and Lothrop Department Store and the GIECO office complex, to the northeast in Montgomery County; and
 - c. Commercial uses to the south and southwest of the site consisting of the Jenifer Mall, a bank, movie

theater, restaurants, clothing stores, and offices,

18. The subject site and square have a history of land use and transportation planning and zoning. A chronology includes the following:

1958 Major revisions to the District of Columbia Zoning Regulations were adopted.

The land along Wisconsin Avenue between Western Avenue and Chesapeake Street was zoned C-2 and C-M-1, and the land along Western Avenue between Military Road and 45th Street was zoned C-2. The land adjacent to the commercial zones of Wisconsin Avenue was zoned R-2 and R-5-A.

The Wisconsin Avenue portion of the subject site was zoned C-2, and the residential portion was zoned R-2.

1961 The National Capital Planning Commission (NCPC) adopted the "Plan for year 2000", which designated Friendship Heights as an uptown employment center.

1962 - The National Capital Transportation Agency endorsed Wisconsin Avenue as the route of choice for rapid rail service to Rockville.

1963 The Zoning Commission changed from C-2 and C-M-1 to C-3-A property located on both sides of Wisconsin Avenue from Harrison Street to Western Avenue, both sides of 44th Street between Harrison Street and Western Avenue, and the south side of Western Avenue between 45th Street and Military Road, N.W.

1964 - The Zoning Commission rezoned a portion of Square 1665 from R-2 to C-3-A.

1965 The Zoning Commission rezoned from R-2 to C-3-A a portion of Square 1662,

1968 The Washington Metropolitan Area Transit Authority selected Friendship Heights for a Metrorail Station.

1970-1971 - The Koubek Plan was published.

This plan developed as a result of the designation of Friendship Heights as a rail transit location.

The Zoning Commission granted as a Preliminary PUD and change of zoning from C-3-A to C-3-B for parking in Square 1660 and the closing of a portion of 44th Street.

1972-1973 The staff of the National Capital Planning Commission (NCPC) prepared and the NCPC adopted a Sectional Development Plan. (SDP) for Friendship Heights.

Interjurisdictional Policy Task Force (District of Columbia, Montgomery County and NCPC) reached an agreement.

NCPC adopted the Interjurisdictional Task Force agreement and provided it to the Zoning Commission.

The Zoning Commission, on an emergency basis, rezoned Friendship Heights based generally on the proposed SDP.

1974 The Zoning Commission issued an order which rezoned Friendship Heights generally in accordance with the Task Force recommendation and postponed action on the SDP.

1975-1978 The Zoning Commission held hearings and workshops on the SDP but ultimately decided not to adopt the SDP.

1982 The Zoning Commission deleted the Sectional Development Plan provisions from the Zoning Regulations.

1985 Hearings and first-stage decision on Zoning Commission Case 84-20P, a proposed mixed-use complex (hotel, retail and offices) in the northern portion of Square 1661.

19. At the time the Zoning Commission published a Notice of Public Hearing in the D.C. Register on December 13, 1985, it gave notice of special procedures applicable to this case in order to regulate the course of the hearing, to establish reasonable time limits for witnesses and to fairly allocate time among the parties and others. Pursuant to that notice, a prehearing conference was scheduled for Monday, January 13, 1986.

At the prehearing conference, the Zoning Commission determined the following:

- a. Persons to be admitted as parties;
- b. Witnesses to be accepted as experts;
- c. The amount of time to be allocated to each party and to other persons;
- d. Ruling upon procedural matters;

The Zoning Commission denied a motion by a party to consolidate traffic issues for purposes of a separate prior hearing;

- e. The Commission requested all parties, including the applicant, to submit their reviews that addressed the issue of the applicant's alternative design B exceeding the advertised floor area ratio (PAR). As a preliminary matter at the public hearing, the Commission heard comments and discussed the deficiency in the public hearing notice regarding alternative design B, and ruled that the public hearing would proceed. The Commission had received responses from two parties concerning the deficiency; and
 - f. The Commission incorporated portions of the record of case No. 84-20P (Donohoe - PUD) into the record of the subject case, including but not limited to various public reports and studies, evidence that would also apply to this case, etc.
20. The applicants propose to construct one of two design alternatives of a mixed-use project containing a residential, retail and office component. The commercial component of each alternative is essentially the same, but there is a difference in the residential component. The project includes 273,718 square feet of office space at a floor area ratio (FAR) 2.87, 107,749 square feet of retail space at an FAR of 1.13, three levels of underground parking and either 66,460 gross square feet at 0.7 FAR or 125,273 square feet at a 1.31 FAR of residential space. The total building area is proposed to be 447,927 gross square feet at a 4.7 FAR or 509,755 gross square feet at a 5.34 FAR depending on the selection of one of the following residential design options:
- a. Design Option A - includes sixteen townhouses and a mid-rise apartment building of six-stories with approximately fifty-three units in 66,460 gross square feet; and

- b. Design Option B includes two mid-rise apartment buildings of five and eight stories containing approximately 129 units in 125,273 gross square feet.
21. The project proposes a total FAR of 4.70, or 5.34, depending on whether residential Design Option A or B is implemented. The total commercial FAR for Design Option A is 4.00. The total commercial FAR for Design Option B is 4.03. Both options occupy ninety-two percent of the site with approximately thirty percent of the site allocated to the residential component. The project will range in height from forty feet (forty-five feet in Design Option B) along 43rd Street to 110 feet along Wisconsin Avenue. Both options include three levels of underground parking to accommodate 550 cars.
 22. The applicants propose to close Belts Lane and alleys in the subject square and include those areas as a part of the PUB site.
 23. The applicants propose to provide a direct underground pedestrian connection to the Friendship Heights Metro-rail Station, through the adjacent property to the north. The Friendship Heights Metrorail Station is the only station in the Metrorail system that is a four-portal station. The portals will serve the Chevy Chase Metro Building, Woodward & Lothrop, Inc. department store, the Mazza Gallerie and the subject Square 1661.
 24. The applicants testified that the primary focus of the project will be the retail component, which will consist of a number of small specialty stores, featuring an offering of European and American designer boutiques. The applicant further indicated that the proposed project will implement the development of a major uptown regional center at a gateway to the District. To achieve this goal, the proposed PUD had been carefully planned and designed to achieve the following basic objectives:
 - a. To enhance and revitalize a site which has been underutilized;
 - b. To provide a major uptown regional retail, office and residential center to both complement and enhance existing uses at a major gateway to the District;
 - c. To provide a direct Metrorail connection as well as desirable development at a key Metrorail station in order to capitalize on the public expenditure of funds;

- d. To provide 1,500 job opportunities for D.C. residents through a first source employment program and a minority opportunities program;
 - e. To generate approximately \$3.6 million in tax revenues to the District;
 - f. To provide a through-block pedestrian circulation system and connection to neighboring projects;
 - g. To provide a through-block automobile and truck circulation' system for the subject Square to prevent the use of 43rd Street for access to the Square and to minimize traffic impacts external to the Square; and
 - h. To create land uses in accordance with the goals and policies enacted by the District of Columbia Council in the District of Columbia Comprehensive Plan Act of 1984, as amended.
25. The applicants stated that the subject site is a unique development opportunity for the District of Columbia for the following reasons:
- a. It is designated by the Comprehensive Plan as a Regional Center and a Development Opportunity Area;
 - b. The site is at a gateway location;
 - c. The site has been identified on all earlier planning studies as a location suitable for development using the PUD concept;
 - d. The site has direct access to the Red Line of the Metrorail system via the recently opened Friendship Heights station; and
 - e. The site has sufficient size to allow a project of substance and importance.
26. The applicants testified that the District and the neighborhood will realize the following significant public benefits and amenities from the proposed PUD:
- a. Housing - the provision of fifty-three residential dwelling units in Design Option A or 129 residential dwelling units in Design Option B;
 - b. Buffer - the provision of a low-scale residential buffer to the residential community on the east side of 43rd Street;

- c. Through-Square Connector = the provision of a through-square connector which consolidates and routes all commercial traffic from all the developments in Square 1661 through the subject site;
- d. Retail = a 150,000 square foot retail component which will provide a unique retail opportunity for the District and help achieve the critical mass necessary to implement the Comprehensive Plan's designation of the area as a Regional Center;
- e. Metrorail = a direct Metrorail connection, through the Donohoe property immediately to the north, encouraging the use of Metrorail to help maximize the District's investment in the Metrorail system;
- f. Pedestrian Passageway = the provision of a pedestrian passageway from 43rd Street to Wisconsin Avenue, providing direct access to Wisconsin Avenue and the Metrorail Station to residents east of 43rd Street;
- g. Atrium = a public space atrium that will bring light and air into the Square, and make it a more attractive public space for visitors to, and occupants of, the project;
- h. First Source Employment Program = a commitment to participate in the First Source Employment Program to promote and encourage in the hiring of District of Columbia residents;
- i. Minority Business Opportunities = a commitment to a minority contracting program through the District of Columbia Minority Business Opportunity Commission, both during construction of the project and its subsequent operation;
- j. Design = a superior design that is compatible with neighboring property and the surrounding community;
- k. Jobs = the creation of 1,517 new jobs in the District of Columbia;
- l. Tax Revenues = additional annual tax revenues to the District of approximately \$3.6 million;
- m. Neighborhood Stability = enhancing the character and stability of the area by improving and revitalizing a site which is currently underutilized;
- n. Comprehensive Plan = providing a key component of the major uptown center in accordance with the

adopted District of Columbia Comprehensive Plan;
and

0. Gateway - completing the gateway concept introduced at the intersection of Wisconsin and Western Avenues, N.W. by the Donohoe Companies.
27. During the hearing, the applicants submitted a revised through-square connector plan that reflected an agreement between the three developers in the Square. The revised plan represented the most efficient method for facilitating ingress and egress to the Square with an additional curb cut on Wisconsin Avenue at the site's southern property line. The additional curb cut to the south would be for the purpose of facilitating egress from, and circulation around, the Square. It would be used for egress only from the valet component of the proposed development,
28. The applicant's architectural expert, described the site, its architectural constraints and context. He explained the proposal's relationship to its neighbors and its urban context. He described the project's architectural concept and its building components including atria, setbacks, buffer areas, facade treatments, height, landscaping and general urban design goals.
29. The architect stated that loading would take place from a truck through-square connector which bisects the site from north to south, one full level below grade. He stated that the automobile through-square connector will be parallel to the truck connector, also below grade. The automobile connector will link with the Donohoe property to the north, and the Abrams property to the south, to provide ingress from Military Road and ingress and egress from Jenifer Street. A direct ramp from Wisconsin Avenue on the north property line of the site will feed into the automobile through-square connector,
30. The architect further stated that directly under the skylight rotunda, one level below grade, a valet car drop-off is proposed to serve retail customers. He explained that the automobile through-square connector and the Wisconsin Avenue ramps all tie into this valet area which will be visually treated as a part of the retail space. From the valet level, helical ramps will provide access to the two and one-half parking levels below grade, which will accommodate 550 cars.
31. The applicant's retail expert testified to the following:
 - a. The positive market potential of the retail component of the project, the architectural design

for the merchandise and retail-mix concept, the physical configuration of the retail space and its design to reach a market that currently exists in the region:

- b. The retail component will consist of a collection of exclusive shops and boutiques, offering high quality and high priced apparel and accessories, furniture and home furnishings, gifts and other specialty items;
 - c. As a premium shopping district in the Washington area, Friendship Heights is an excellent location for premium price retail developments such as proposed by the applicant:
 - d. Market analyses supports the location of the retail component on the subject site. The Friendship Heights and Chevy Chase areas are among the highest in the country in terms of household incomes and that the project would capture over half of its sales from customers living within a five mile radius of the project. The Friendship Heights area is currently losing a substantial portion of disposable income to the more concentrated retail developments in Montgomery County, Maryland. The proposed retail development will help to recover a large balance of the trade and tax revenues which are currently leaving the District; and
 - e. The retail component design is not a typical suburban mall, but an attempt to create a European street, or Via, flavor. The entire project's identity is shaped by the atmosphere and character of the retail component. The valet parking concept proposed by the applicant is an important element of the retail concept.
32. The applicant's urban planning expert, testified that the proposed PUD is consistent with the District of Columbia's Comprehensive Plan designation of the site as a Regional Center, a Development Opportunity Area and a mixed-use commercial center at a Metrorail Station. The planning expert further stated the following:
- a. The residential component of the project is consistent with the medium-density residential designation of the site. The legislative history of the Comprehensive Plan defines medium-density as forty to fifty dwelling units per acre. The number of dwelling units proposed by the applicant is well within the range needed to fill this medium-density designation;

- b. The proposed density for the commercial component of the project is in conformance with the Generalized Land Use Map. The Map calls for medium-density commercial, which is the highest commercial land use category outside the Central Business District. Thus the requested rezoning to C-3-B is not inconsistent with the Comprehensive Plan or the PUD density guidelines;
 - c. The proposed use mix is not inconsistent with the Comprehensive Plan and is appropriate for this major development opportunity area in the District of Columbia; and
 - d. The PUD conforms to a substantial number of goals in the District of Columbia Comprehensive Plan, including those contained in the Land Use, Economic Development, Housing, Transportation, Urban Design and Environmental Elements,
33. The planning expert stated that the proposed PUB is consistent with the intent and purposes of the Zoning Regulations and the PUD guidelines, in part, because of the amenities and public benefits that accrue would not otherwise be available under existing zoning controls, The proposed PUD results in the efficient and economical utilization of the site, attractive urban design, provision of desired public space and adequately assures the protection of the public health, safety, welfare and convenience.
34. The planning expert further testified that a rezoning of the site to the C-3-P Zone District is consistent with a location of the site at the border between the District of Columbia and Montgomery County, Maryland. He testified that the project's height and bulk, with the proposed setbacks, reinforces and will have a positive impact on existing land use patterns in the area. He noted that the development in the District of Columbia's portion of Friendship Heights has been at a significantly smaller scale than that in Montgomery County, He stated that the project will provide a buffer to the residential community to the east while helping the District achieve the critical mass necessary to bring the Square into compliance with its Comprehensive Plan designation as a Regional Center,
35. The applicant's traffic and transportation expert testified that in analyzing the expected transportation and traffic impact, the proposed PUD would result in an increase of ninety-five critical movements (or an increase of less than seven percent) at the intersection of Wisconsin and Western Avenues during the a.m. peak hour. It would result in an increase of 106

critical movements (or an increase of less than eight percent) at this intersection during the p.m. peak hour. He indicated that these impacts are relatively minor and do not significantly alter traffic flow and conditions on the road way system, Thus, the proposed development can be accommodated without causing unacceptable levels of service on the roadway system.

36. The traffic and transportation expert described the site access and the proposed through-square connector system and how it serves the subject site. He indicated that the proposed through-square connector ameliorates any potential adverse impact on the external road networks and accomplishes a number of important transportation goals such as separating loading facilities, truck and auto access and interconnecting the various garages in the project.
37. The traffic and transportation expert identified a number of goals and policies of the Transportation Element of the Comprehensive Plan, that the proposed project would further. These include:
 - a. The location of the project close to a major Metrorail and bus station so as to increase the use of mass transit by residents, employees, patrons and visitors to the project;
 - b. The provision of direct pedestrian access to the Friendship Heights Metrorail station thus maximizing the use of transit services;
 - c. Ingress to, and egress from, the site will facilitate smooth traffic circulation and avoid the use of residential streets, specifically 43rd Street;
 - d. The provision of 550 off-street, below grade parking spaces which will prevent spill-over parking onto residential streets; and
 - e. The location of all truck service areas within the project, with all truck maneuvering contained on the site.
38. The applicant's economic expert testified that the total. tax revenues generated by the proposed development are estimated at \$3.6 million annually (using 1985 dollars with current tax rates)., He indicated that 51.5 percent of the revenues, an estimated \$1.8 million, will be generated by the retail sales tax, with the balance being provided by real property (\$0.9 million) , personal income (\$0.5 million) , personal property, parking utility and franchise taxes (\$0.4 million). He stated that the proposed project will

create an estimated 1,517 permanent jobs,, of which 1,149 would be new jobs. He believed that the project would create a significant positive impact on the District of Columbia's economic and employment goals.

39. The economic expert stated that the internal rate-of-return that could be achieved by the applicant under either design option proposed, is below the average 14.6 percent rate-of-return considered acceptable by most real estate investors. Design Option A would result in a 14.0 percent rate-of-return and Design Option B would result in 12.9 percent rate-of-return. The applicant indicated its preference for Design Option B over Design Option A, despite the considerably lower rate-of-return because it believes that Option B will make for a more coherent project and because of the concern that there will be added risk and expense in trying to market two different types of residential units. The economic expert stated that the residential component, under either option, is detrimental to the financial feasibility of the development,
40. The economic expert testified that the project is economically feasible for the following reasons:
 - a. The PUD site's Regional Center designation;
 - b. Wisconsin Avenue, north of Tenley Circle to the Bethesda Central Business District, is a proven office market;
 - c. The site has transit access and access to regional highways;
 - d. The site is convenient to the commercial core of the metropolitan area, as well as to the established residential neighborhoods and the merging employment centers of suburban Montgomery County; and
 - e. A viable office market exists for the project and that lease-up time, absorption rates and proposed rents are viable.
41. The applicant's expert residential consultant, testified that neither Design Option A or B is economically feasible standing alone. Either is, at best, marginal even if underwritten by the commercial development proposed. He indicated that in either Option, the units must be "traditional", medium priced with appeal to a broad based market. He did not believe the site was suitable for "luxury" housing.

42. The applicants propose to develop the property on a single lot of record. All services such as trash collection, snow removal and maintenance of the public areas will be managed and paid for by the applicant.
43. The District of Columbia Office of Planning (OP), by memorandum dated January 13, 1986, and by testimony presented at the public hearing, recommended approval of the application subject to proposed development guidelines, conditions and standards. The OP recommended approval provided that the proposed height of the building is reduced. The OP indicated that if the height reduction requires a reduction in density that such reduction be taken from the office component. The OP also indicated that its approval was conditioned on a finding by the Department of Public Works (DPW), that the total traffic generation and the through-square connector is workable. The OP believes that traffic patterns are the single greatest concern regarding the total development of Square 1661.
44. The Office of Planning stated that the proposed retail component is a highly positive use in this location and that it would strengthen the market attraction of the existing department stores and miscellaneous retail outlets in the area. The retail in the proposed project, along with that proposed in the Donohoe project, will help to create the critical retail mass needed for the area. The OP further indicated that the proposed residential component is a very important use on the site and will expand the housing supply and buffer the residential character of the neighborhood along 43rd Street. By diversifying the mix of uses, the residential component also further spreads the timing and type of automobile trips to the site. With respect to the proposed office component, OP indicated that it will provide job opportunities, economic development opportunities and tax revenue for the District.
45. The D.C. Department of Public Works (DPW) by memorandum dated January 13, 1986, and by testimony presented at the public hearing, indicated that the proposed development would generate 178 vehicles inbound and 447 outbound for a total of 625 vehicle trips during a typical P.M. peak hour. Directional distributions were established for these trips and assigned to the street network. Capacity and level of service analyses were performed and the results of these analyses indicate that both approaches of Western Avenue would continue to operate at level of service C. Northbound Wisconsin Avenue would operate at level of service EC, southbound Wisconsin through traffic and right turns at level of service C with the left turning movements at level of

service F. The contribution of the remainder of Square 1661 does not alter the above levels of service.

- 46, The DPW indicated that trips generated by current and projected plans for development in Square 1661 can be accommodated within a level of service D with Wisconsin Avenue northbound through and southbound left turn experiencing a level of service E+ and F respectively. The DPW further notes that when consideration is made of other potential developments on the District and Maryland sides of the Friendship Heights area, trips generated from such developments would push the level of service of both Wisconsin Avenue approaches to E.
47. The DPW stated that the applicant's proposed 550 parking spaces is more than adequate to service the project and minimize parking spillover onto residential streets. The DPW noted that the project will provide the six Loading berths required under the Zoning Regulations. The DPW recommends that the applicant provide three delivery spaces and eight bicycle spaces also required under the Zoning Regulations,
- 48, The DPW further stated that there is adequate capacity with regard to water and sewer service for the project. However, if a storm sewer is needed on Wisconsin Avenue, the existing system would have to be extended. DPW recommends the development of an on-site, storm water management plan.
49. The DPW recommends that the applicants coordinate efforts to develop a ride sharing program with the other PUD projects in the Square and in the Friendship Heights area, The DPW indicated that the direct Metrorail connector through the Donohoe property would promote and encourage office workers, shoppers and other employees to use public transportation.
50. The DPW further recommends that the applicant coordinate all design, construction and streetscape elements within public space with the Department of Public Works and assume their costs.
51. The District of Columbia Department of Consumer and Regulatory Affairs (DCRA) by memorandum dated January 8 and 10, 1986, reported that the proposed development would achieve the following important objectives:
 - a.. Provide a first source employment program promoting the hiring of B.C. residents;
 - b. Contribute to the goals of the District of Columbia Minority Business Opportunity Commission with an aggressive minority contracting program, both

during construction of the project and during its subsequent operation; and

c. Generate additional tax revenues for the City.

The DCRA noted that the applicants must prepare a Sediment and Erosion Control Plan, and landscape plan for review and approval before the issuance of a building permit.

52. The District of Columbia Department of Housing and Community Development (DHCD), by memorandum dated January 21, 1986, indicated that it had no objections to the application for the following reasons:
 - a. The proposed development, with its combination retail, office and residential uses, is an appropriate submission for a planned unit development;
 - b. The uses and intensity of development appear to be consistent and compatible with the Comprehensive Plan recommendations and District wide policies for development near Metrorail stops; and
 - c. DHCD recommends that such items as the number and type of housing units, their relation to other uses, circulation access and egress for trucks and cars all deserve close study, in order to be assured that the total development is consistent and compatible with the proposed abutting developments.
53. The District of Columbia Department of Public Schools, by memorandum dated January 9, 1986, stated that the proposed development, under either Design Option, would not have a significant adverse impact on the school populations in the area.
54. The District of Columbia Department of Recreation (DOR), by memorandum dated January 7, 1986, indicated that the increase in population caused by the development under either Design Option would be minimal and if there were to be any impact at all, it would be in the areas of tennis courts and swimming pools, both of which are lacking in the ward. With regard to passive recreation space in the proposed development, DOR encouraged the applicant to provide a play area for small children, with appropriate equipment, benches and shading.
55. The District of Columbia Metropolitan Police Department, by written submission dated January 21, 1986, indicated that the proposed development is not expected to generate any substantial increase in the need for

police services and that the Department is adequately prepared to provide the level of protection necessary to offer continued public safety to the property and residents of the community, Further, the Police Department indicated that the proposed project will not adversely impact upon any current or planned operations by the Department or the Second District. The Department noted however, that the accessibility for emergency vehicles must be thoroughly addressed along with other traffic concerns and that effective lighting would provide an added level of public safety for those who will utilize, or live, in the proposed development.

56. Advisory Neighborhood Commission (ANC) 3E, a party in the proceeding, by letters dated January 13 and 27, 1986 and by testimony presented at the public hearing, noted that the ANC had cooperated with the applicant and that it generally favored development of Square 1661 and believed that the PUD process would result in the best use of the Square. However, the ANC voted to oppose the application for the following reasons:
- a. The testimony by DPW that service Level E at the intersection of Wisconsin and Western Avenues is "acceptable" is not acceptable on a long term basis to the residents of the area;
 - b. While it is pleased that the three developers in Square 1661 have reached an agreement on the through-square connector, ANC 3E believes that the design of the connector will encourage truck traffic to approach Square 1661 via Military Road, through an exclusively residential neighborhood;
 - c. Prohibition on left hand turns from the through-square connector onto Jenifer Street cannot be enforced successfully;
 - d. The estimated twenty percent transit mode split for the retail component of the project is not credible;
 - e. The use mix and total density of the proposed development in combination with the other development in Square 1661, will generate excessive traffic and air pollution in the immediate neighborhood and the surrounding Friendship Heights and Chevy Chase communities;
 - f. There is no reason or justification for any combination of uses or total FAR than that permitted as a matter-of-right. ANC 3E supports the recommendation of the OP to reduce the height of the proposed building and recommends to the Commission the

elimination of at least two stories of the office component would be reasonable;

- g. Although it opposes the project generally, the ANC prefers Design Option A for the residential component of the project, but is opposed to the shopping arcade entrance on 43rd Street, because it believes it will encourage unnecessary pedestrian and vehicular traffic in the residential neighborhood east of 43rd Street;
 - h. It is not persuaded that the applicant requires a zoning of the entire property to C-3-B in order to permit the requested massing of the proposed retail and commercial components and questioned the need to "upzone" that portion of the PUD site, which will remain residential in use;
 - i. The Zoning Commission should delay the Miller proceeding and all other action in Square 1661, for sixty days, while OP, DPW and the Council of Governments perform an analysis of the entire traffic and air pollution problems in the area and make some realistic suggestions as to improving the problems;
 - j. The decision in this case should be postponed to allow the Ward 3 Community Advisory Committee to complete its recommendations to the Office of Planning regarding the Ward 3 Plan;
 - k. DPW, in its communications to OP and the Zoning Commission, has inadequately addressed the issues of: (1) traffic generation; (2) impact on surrounding street capacity; and (3) additional controls needed to protect the neighborhoods on both sides of Wisconsin Avenue;
 - l. The margin of error in the report of the applicant's traffic expert is questionable, and that a high margin of error could result in a level of service F, instead of a level of service E as was indicated in his report; and
 - m. The addition of four percent to existing peak-hour traffic and two percent to existing non-peak hour traffic by the applicants' traffic consultant, does not adequately address the issue of impacts from other proposed developments in the Wisconsin Avenue corridor,
57. The Donohoe Companies, Inc., the developer of the adjacent property to the north of the subject site and a party in the proceeding, by Letter dated January 28,

1986, and by testimony presented at the public hearing, supported the application and stated the following:

- a. The Donohoe Companies and The Miller Companies have been working in concert for the past 12 months to plan the development of Square 1661 and that they have benefited from mutual advice on their respective development plans;
- b. The total expenditure of \$250 million, including the Abrams development, at this strategic location represents the best development that private sector/public sector cooperation can offer;
- c. The Donohoe Companies requested that The Miller Companies' building be setback from the common property line, similar to the Donohoe Companies' setback;
- d. A through-square connector plan has been agreed to by all the developers which will benefit the internal vehicular circulation in the Square and that the pedestrian access between the properties has been planned and will work effectively; and
- e. Any potential problems with regard to a driver/patron finding the "right garage" can be adequately taken care of as a result of cooperative efforts among the developers in the areas of signage, design and operation.

58. Abrams and Associates, contract purchaser of adjacent property to the south of the subject site and a party in the proceeding, by letter dated January 28, 1986, and by testimony at the public hearing, supported the application stating the following:

- a. The Miller development is in compliance with the Comprehensive Plan and in particular with the Regional Center designation and that the proposed mix of uses will benefit the area and is compatible with the other uses proposed for the Square; and
- b. It has endorsed the present design of the through-square connector.

59. Advisory Neighborhood Commission (ANC)3G, a party in the proceeding, by letter dated January 28, 1986 and by testimony presented at the public hearing, opposed the application on the following grounds:

- a. The development should not exceed a 4.0 - 4.2 FAR, which is thirty to forty percent higher than that of Mazza Gallerie;

- b. The residential area bounded by 41st Street, Military Road, Connecticut and Western Avenues will be severely impacted by the Miller proposal and other Square 1661 developments;
 - c. The full scale development of Square 1.661, with the increased right turn movements onto Western, the number of right turns off of Western onto McKinley or Livingston and onto Connecticut, will substantially increase cut-through traffic in the neighborhood;
 - d. The reconstruction of Military Road and the construction efforts in Square 1661 must be coordinated in order to avoid substantial traffic back-ups and cut-through traffic on the residential streets;
 - e. The proposed development will pose a substantial long-term threat to the character of upper Connecticut Avenue and the immediate abutting residential neighborhood to the east of the site;
 - f. The proposed development will lead to pressures for further "up-zoning" at Friendship Heights, such as the present site of the Chevy Chase shopping center in Montgomery County;
 - g. Adequate analyses of the impact of the application has not been provided by DPW;
 - h. DPW should give care to the question of whether an egress onto Wisconsin Avenue from the valet element of the project is needed, and
 - i. As a mitigative measure,. the three developers of Square 1661 should engage with locals ANCs, citizen groups and City agencies in an effort to update the Goldbook for Friendship Heights, including doing a traffic analysis for the area around Friendship Heights.
60. The Friendship Neighborhood Coalition (FNC), a party in the proceeding, by written submissions and by testimony presented at the public hearing, opposed the application as presented for the following reasons:
- a. The proposed height, bulk and density of the development are excessive and inappropriate for the site, The amenities offered do not justify an increase in density nor the significant additional volume of traffic that such an increase will bring;

- b. The proposed development will contribute to the already substantial traffic at the intersection of Western and Wisconsin Avenues, on Military Road, and throughout the neighborhood, and will create cut-through traffic. The traffic generated by development on Square 1661 and other nearby development will cause the Western/Wisconsin intersection to operate over capacity.. There will be congestion and traffic backups along both Wisconsin Avenue and Military Road;
 - c. A lack of a comprehensive study of the impact of development on Square 1661, on traffic volumes and patterns in the Friendship Heights neighborhood. Such a study would be appropriately funded by the applicant with contributions from other developers in the Square. In addition, the developers should fund a follow-up study to examine the actual effects on Square 1661 and the neighborhood, and any improvement and mitigation measures;
 - d. Vehicle conflicts at proposed ingress and egress points on Wisconsin Avenue, and vehicle and pedestrian conflict at those same points;
 - e. Safety of pedestrians crossing at Western and Wisconsin and Wisconsin and Jenifer;
 - f. The applicant has not carried its burden of proof on the issue of air pollution;
 - g. The current zoning is not inconsistent with the Comprehensive Plan;
 - h. Appropriate development of the site is as a PUD under the existing zoning; and
 - i. Residential Design Option B does not provide an effective transition in scale and use to the residential neighborhood and is not consistent with the Comprehensive Plan. However, Option A does provide a transition in scale and use to the residential neighborhood because of the townhouse treatment along 43rd Street and the more limited height and density of the proposal,
61. The Citizens Coordinating Committee' for Friendship Heights (CCCFH), a party in the proceeding by written submission dated January 28, 1986 and by testimony presented at the public hearing, opposed the application and provided the following comments:

- a. Recommended that the limitations on traffic contained in the inter-jurisdictional agreement be adhered to;
 - b. The proposed development will generate excess traffic that will compound the impact to be felt on the present gridlock at Western and Wisconsin Avenues;
 - c. Conveyed development history and experience on the Montgomery County, Maryland side of Friendship Heights; and
 - d. Recommended that the application be denied or deferred until traffic studies can be conducted.
62. The Military Road Homeowners' Association, (MRHA) a party to the proceedings, by written submission dated January 30, 1986, and by testimony presented at the public hearing, opposed the application mainly because of traffic impacts from the subject PUD and other development in the Square on the residential neighborhood along Military Road and east of 43rd Street. The MHA recommended a minimum set of conditions to include:
- a. Parking should never be banned on Military Road;
 - b. Military Road should never be widened;
 - c. The Jennifer Street diverter should never be removed;
 - d. Truck and bus traffic on Military Road west of 42nd Street to at least Connecticut and possibly Nebraska should be made illegal between 6:00 A.M. and 6:00 P.M.;
 - e. The through-square connector should be one way south from Military, with truck egress to the north illegal; and
 - f. A major, professional study of methods to minimize neighborhood traffic impacts from Square 1661 and other recent or expected developments affecting the area bounded by Wisconsin, Connecticut, Western, and Fessenden will be undertaken at city and developer expense.
63. There were no individuals or organizations in support of or in opposition to the application that testified at the public hearing.
64. Approximately twenty-three letters were received from individuals and organizations in opposition and no letters were received in support.

65. In response to the Commission's request, the applicant by letter dated May 27, and 28, 1986 in consultation with the other developers of Square 1661, submitted a revised plan for the through-square connector and a fully executed Memorandum of Understanding to construct the through-square connector (TSC) with significant design improvements that include:
- a. The plan provides a "stand alone" solution for all three developments in Square 1661 in the event all do not proceed to construction as planned;
 - b. The plan reduces the number of entrances to the subject square from four to three by eliminating the Wisconsin Avenue entrance originally proposed on the Donohoe site, north of the subject property. Donohoe has agreed to share the Wisconsin Avenue entrance located on the subject site thus reducing the width of the curb cut to approximately thirty--six feet;
 - c. The shared entrance on Wisconsin Avenue allows cars to first enter the site and then decide, by means of signage, which garage location to select;
 - d. An at-grade covered TSC for trucks and servicing is provided;
 - e. A below-grade TSC for passenger vehicles is provided;
 - f. The levels of all three garages have been coordinated to provide the opportunity for "knock out" panel connections among all garages as well. as the opportunity for operation of all three garages by a single operator;
 - g. A pedestrian Metro connection is provided through all three projects to facilitate pedestrian movement through the square; and
 - h. The plan improves internal circulation by simplifying the ramping system contained in the earlier plan and by providing a more accessible loading area for the subject site.
66. The applicant in conjunction with the construction and operation of the through-square connector and the development of the three projects in the square, has further agreed to the following:
- a. A uniform and consistent graphic/signage plan will be developed for ingress and egress from the

through-square connector and/or garages. This plan will address both the entrances and internal circulation;

- b. A covenant will be entered into dealing with the unified operation, maintenance and security of the through-square connector. This covenant will address all operating issues including hours of operation and restrictions, if any, and a plan for the funding of operating costs on a pro rata basis;
 - c. A coordinated approach will be taken to the architectural treatment of the through-square connector. This will include, but not be limited to, the entrances, lighting, ventilation, wall surfaces, paint colors, graphics, sound attenuation and the like;
 - d. The method and manner of garage operation has not yet been made and may include a single operator for all three garages. It is agreed among the parties that the successful operation of each of the garages, whether under one operator or not, is essential for the success of the three developments; and
 - e. A covenant will be entered into dealing with the public improvements associated with the development of this square and providing for the sharing of these costs on a pro rata basis.
67. The Commission finds that Square 1661 should be developed and that the PUD process offers an effective means by which planning and development objectives can be achieved on the square.
68. The Commission finds the proposed uses including office, retail and housing to be appropriate for the site. The Commission finds that the introduction of a housing element on the site is consistent with the Comprehensive Plan Land-Use Element. The subject site is so located in the square that it offers the greatest opportunity to provide housing as a transitional element to the single-family residential community east of 43rd Street,
69. As to the concerns of the Office of Planning (OP), ANC , 3E and other parties and persons, regarding the density of the development, the Commission finds that Design Option B, offering the maximum residential floor area, is appropriate for the site. However, the non-residential FAR may be too high considering the traffic impacts of this project and other projects in the

square, and their relationship to the scale and density of the adjacent residential community.

70. As to the concerns of ANC-3E and other parties and persons regarding the proposed commercial zoning of the residential component of the PUD, the Commission agrees and in its decision has addressed the matter.
71. As to the concerns of the OP, ANC-3E and other parties and persons regarding the height of the project, the Commission is not persuaded at this time that the proposed 110 foot height of the commercial component of the project is unacceptable. Further consideration of the height issue is necessary in conjunction with the density of the commercial component. The Commission finds the height of the residential component of Design Option B of five and eight stories to be an appropriate transition to the residential community. The Commission notes that as a matter-of-right under the existing R-5-B district an apartment building of sixty feet or approximately seven stories could be constructed.
72. As to the concerns of ANC-3E and other parties and persons regarding the through-square connector, vehicular access, and off-street parking, the Commission finds that, in its decision, it has addressed the matter.
73. As to the concerns of ANC-3E and other parties and persons regarding the quality of air at street intersections adjacent to and surrounding the subject square, the Commission finds that there is opportunity to further address this issue when the Second-stage application for this PUD is filed.
74. As to the concerns of the DPW, ANC-3E and other parties and persons regarding traffic, the Commission believes there is need for a more broader and detailed analysis of traffic patterns and physical improvements necessary to mitigate traffic impacts of the proposed PUD and other projects in the square. The Commission finds that such studies and improvements should be funded by the applicant and other developers in the square.
75. As to the concerns of ANC-3E and other parties and persons regarding pedestrian safety along Wisconsin Avenue, the Commission finds that in its decision, it has addressed the matter.

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.
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 - 3E the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the District of Columbia Zoning Commission hereby orders APPROVAL for first-stage review of a planned unit development and related map amendment for Lots 1, 14,15, 26, 800, 804 and 808 in Square 1661. The approval is subject to the following guidelines, conditions and standards:

1. The project shall be developed under the C-3-B and the R-5-C Zone District provisions of the Zoning Regulations, In its application for second-stage review and approval of a planned unit development, the applicants shall submit an application for rezoning of the subject property from C-2-B and R-5-B to C-3-B and R-5-C. The area of the site containing the residential component of the project shall be rezoned to R-5-C, beginning from 43rd Street on the east, the office/retail component of the PUD on the west, and the north and

south property lines of the PUD at 43rd Street. This shall not preclude the applicants from using the sub-surface levels of the residential portion of the property for commercial and parking use. The remainder of the site shall be rezoned to C-3-B.

2. The final design of the project shall be based upon the plans marked as Exhibit No. 44 as revised by Exhibit no. 133b of the record, and modified to conform to the guidelines, conditions and standards of this Order.
3. The project shall be a mixed-use development consisting of residential apartments, general office and retail components. There shall be no movie theaters.
4. The residential component of the building shall be based on Design Option B and the plans marked as Exhibit No. 44 of the record. In the second-stage application, the residential component of Design Option B shall be re-designed to have a "Townhouse" like facade.
5. The floor area ratio (FAR) of the project shall be 5.34, with no more than 4.03 FAR devoted to non-residential uses. In the second-stage application, the applicant shall submit a design and feasibility study which examines reducing the retail FAR of the project by 0.5.
6. The lot occupancy of the project shall not exceed ninety-two percent of the site.
7. The height of the building shall not exceed 110 feet along Wisconsin Avenue and five and eight-stories along 43rd Street, with the setbacks as shown on Exhibit No. 44 of the record. In the second-stage application, the applicant shall include a roof study which examines the feasibility of eliminating or reducing the view of the penthouse from 43rd Street, and a study which examines reducing the height of the office component by one-story in conjunction with the study of reducing the retail FAR by 0.5 as identified in Condition No. 5 of this Order.
8. There shall be no vehicular access to or from the subject site on 43rd Street, except by occupants or visitors to the residential component of the project.
9. Landscaping and paving shall be in accordance with the general landscaping as shown on the plans marked as Exhibit No. 44 of the record. As part of the second-stage application, the applicant shall file specific streetscape design standards in accordance with DPW standards. All utility lines for the project, along

with the existing utility lines on adjacent street frontages, shall be placed underground.

10. The applicant shall coordinate with the other owners in Square 1661 to develop a single unified plan for vehicular circulation as a through-square connector within Square 1661 as shown on Exhibit No. 133b of the record or any such amended unified vehicular circulation plan as the Commission may approve in any other planned unit development for Square 1661. The through square connector shall include: (a) parking and loading; (b) entrances and exits off of Wisconsin Avenue, Military Road and Jenifer Street; (c) internal vehicular circulation; and (d) internal and external signage.
11. The applicant shall coordinate with the other owners in Square 1661 automobile access through a single entrance and a single exit on Wisconsin Avenue. In the second-stage application, the applicant shall provide a plan that includes alternative "stand-alone" circulation measures in the event that one or more of the proposed developments in the subject square do not proceed in a timely manner.
12. The applicant shall submit drawings with the second-stage application as proposed in the plans marked as Exhibit No. 44 as revised by Exhibit No. 133b of the record that include 550 below-grade parking spaces, four loading berths and three service delivery spaces.
13. The parking garage in the second-stage application shall provide the potential for a connection to the adjacent properties at not less than one location below grade level, as shown on the plans filed in the record and marked as Exhibit No. 44 and as modified by Exhibit No. 133b. Additionally, the applicant may modify its parking garage plan to provide additional connections to the adjacent properties in order to facilitate vehicular and pedestrian circulation.
14. The applicant shall provide at least one fully accessible parking space with each apartment unit. Such parking space shall only be used by the owner or occupant of the apartment and not for commercial use,
15. The applicant shall submit a study of surface pedestrian traffic along and crossing Wisconsin Avenue. The study shall include the following:
 - a, Whether a mid-block pedestrian crossing is feasible and desirable.

- b. Pedestrian movement across Wisconsin Avenue at Jenifer and Western, and whether possible changes in signalization could improve such pedestrian movement.
 - c. Whether there would be risk to pedestrians from traffic using applicants vehicular entrance(s) on Wisconsin Avenue, and whether and how that risk could be lessened.
16. The final design of the project shall include a below grade pedestrian connection for Metrorail users to properties to the north and south of the subject PUD site.
17. In the second-stage application, the applicant shall provide a study on the feasibility of providing a below-grade pedestrian connection from the proposed PUD's metro level to the Mazza Gallerie metro level,
18. There shall be no pedestrian bridges over Wisconsin Avenue from the subject site to the Mazza Gallerie.
19. The applicant shall submit with the second-stage application a plan for a jitney bus service.
20. The applicant shall submit with the second-stage application a transportation management plan applicable to employees, managers, and customers of its proposed project.
21. The applicant shall provide DPW with an adequate opportunity to review all vehicular and circulation plans prior to filing a second-stage application,
22. The applicant shall provide the following information in the second-stage application:
- a. A detailed explanation of the entire internal and external circulation system;
 - b. A signage plan; and
 - c. A traffic management program, which would include a study of: (i) the interaction of the garages of the three developments in the Square; (ii) any conflicts; (iii) a truck management program; (iv) the possibility of a single garage for all three developments in the Square; and (v) the use of a flag person to direct truck loading and unloading at the truck delivery areas.

23. The applicant shall submit as part of the second-stage application detailed landscape and architectural plans and elevations indicating the design treatment, building materials, color and other such details.
24. Prior to the filing of the second-stage application, the applicant shall enter into an agreement with the Department of Public Works (DPW) to provide for a pro rata share of the funding and implementation of the following:
 - a. Implementation of the street and road improvements as described in paragraph 2b of the DPW report dated March 28, 1986 and marked as Exhibit No. 147 of the record; and
 - b. A further study of present and future area traffic, including construction vehicles, as described in paragraph 2c of the DPW report dated March 28, 1986 and marked as Exhibit No. 147 of the record. The study area boundaries are to include but not be limited to Western Avenue on the north, 41st Street and Reno Road on the east, Fessenden Street on the south, and River Road and Western Avenue on the west.

The applicant shall share with the other developers in Square 1661 the cost of this program, and the area street and road improvements.

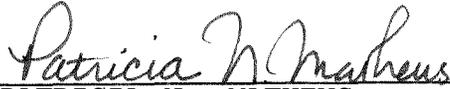
25. The first-stage approval is valid for a period of one year from the effective date of this Order. Within that period the applicant shall file a second-stage application. If the applicant does not file a second-stage application within one year, this first-stage approval shall no longer remain in effect.

Vote of the Zoning Commission taken at the public meeting on April 14, 1986: 5-0 (Lindsley Williams, John G. Parsons, Maybelle T. Bennett, George M. White and Patricia N. Mathews to approve with conditions).

The Conclusions of Law and Decision components of this order were adopted by the Commission at its public meeting on July 14, 1986 by a vote of 4-0 (Maybelle T. Bennett, George M. White, John G. Parsons and Patricia N. Mathews to adopt as amended - Lindsley Williams not present not voting).

This order was adopted by the Zoning Commission at its public meeting on August 4, 1986 by a vote of 5-0 (Lindsley Williams, Maybelle T. Bennett, George M. White, John G. Parsons and Patricia N. Mathews to adopt as amended) , ,

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 29 AUG 1985.



PATRICIA N. MATHEWS
Chairperson
Zoning Commission



EDWARD L. CURRY
Acting Executive Director
Zoning Secretariat

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