

Government of the District of Columbia

ZONING COMMISSION

This order is moot and will not be published or issued.



September 29, 1997

A handwritten signature in black ink, appearing to read "William D. Johnson", written over the typed name.

ZONING COMMISSION ORDER NO. 494-B

Case No. 97-11M/91-11M/85-18C

(PUD Modification - One Judiciary Square)

September 23, 1997

By Z.C. Order No. 494, dated July 14, 1986, the Zoning Commission for the District of Columbia granted approval of a consolidated planned unit development (PUD) and related amendment to the Zoning Map, from unzoned property to C-3-C for all of Square 532. Z.C. Order No. 494 became final and effective on August 1, 1986.

The subject square is bounded by 3rd, 4th, D and E Streets, NW, and measures 76, 452 square feet in land area. The PUD approval allowed for the construction of an office building, with the flexibility of some first floor retail uses. The PUD project, which has been constructed, does not exceed a height of 120 feet, a floor area ratio of 7.3 nor a lot occupancy of 78 percent. Underground parking is provided for approximately 482-489 vehicles.

On July 11, 1991, the Government of the District of Columbia purchased the PUD building to be used as the temporary offices of the Mayor, the City Council and many other agencies until the proposed renovation of the John A. Wilson Building is completed.

By Z.C. Order No. 494-A, dated October 21, 1991, the Zoning Commission approved a modification to the PUD that would allow changes to three of the conditions approved in Order No. 494. The Commission allowed for below grade service and retail uses, flexibility for the location of the required mural within the building, and signage on 4th Street to identify the building as a municipal building, with other signage on 4th Street for retail users being subject to Zoning Commission final approval.

On July 11, 1997, the Commission received an application for modification of the PUD for the District of Columbia Government. The modification application requested that the Commission allow the release of funds previously escrowed in compliance with Condition No. 14 of Z.C. Order No. 494. The funds were to provide for commissioning an artist to create a mural for the lobby or other area of the building. The applicant intends to use the escrowed funds to establish the D.C. Children's Advocacy Center (CAC) facility at 441 4th Street, NW. The facility will house members of the inter-agency team made up of staff

from the U.S. Attorney's Office, the Children's National Medical Center, the Metropolitan Police Department (Sex Offense Branch and Youth and Family Services Division), Office of the Corporation Counsel (Child Abuse and Neglect Section and Juvenile Section), Court Social Services and the Department of Human Services (Child and Family Services Division). Additionally, the applicant requested consideration of the request on the Commission's Consent Calendar, pursuant to 11 DCMR 3030.

By letter dated July 11, 1997, Mayor Marion Barry indicated his full support for the requested modification and requested that the Commission handle the case on an expedited basis.

On July 18, 1997, the Office of Zoning (OZ) referred the applicant's request to the Office of Planning (OP) for review and comment. By memorandum dated July 31, 1997, the OP recommended approval of the request as a minor modification under the Commission's Consent Calendar provisions. The OP noted that Condition No. 14 of the Commission's previous orders in this case indicate as follows:

"The applicant shall commission an artist to create a mural for the lobby area of the building with related expenditures of a maximum of \$100,000."

The Office of Planning noted that as a result of the above condition, there is an escrow account totaling \$100,000 plus interest, which can only be used to provide a mural or artwork for the PUD building. However, the requirement for artwork in the PUD building has been satisfied without the need to spend any money. Currently, there are three murals in the lobby of the building. The OP indicated that the bulk of the escrowed funds would be used for construction costs and the balance for carpeting, telephones and surveillance equipment. Additionally, construction plans for the CAC facility have been approved by the Department of Administrative Services. Finally, CAC has received a general operating grant from the Federal Government which requires matching funds in the amount of \$42,000, and the escrowed funds would qualify as matching funds.

At its public meeting on August 4, 1997, the Commission considered the modification request, the OP report, other items of support in the record and comments from the Director of the Office of Zoning. The Director of the Office of Zoning noted that the applicant had failed to serve notice of the modification request on the two parties who had previously participated in the PUD. She indicated that any affirmative action taken by the Commission would be contingent upon the two parties, Advisory Neighborhood Commission (ANC) 6A and the First Trinity Lutheran Church, not objecting to the modification request. The Commission decided that it would take action pending comment from the two parties in the case.

The Commission determined that this modification request is properly before it under the provisions of Section 3030 of the Zoning Regulations.

The Commission believes that the modification is compatible with District wide and neighborhood goals, plans and programs, and that the modification as requested furthers those goals by providing for an agency to assist children in need of services. The Commission believes that the escrowed funds set aside for artwork in the building are no longer needed for that purpose and that modification of its previous orders regarding this PUD is appropriate.

The Commission further believes that its decision to approve the minor modification is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

On August 7, 1997, the Director of the Office of Zoning received a telephone call from the representative of the National Capital Planning Commission (NCPC) regarding the instant modification request. The representative indicated that NCPC was aware of the request, had no objections and did not expect a referral.

On August 11, 1997, the Commission received a letter from the First Trinity Lutheran Church, a party to this case, indicating its support for the modification request.

On August 29, 1997, the Commission received a letter from the Chairperson of ANC 6A, on behalf of ANC 6A in support of the modification request.

The Commission notes that both parties to the case have submitted letters to the record of the case in support of the modification request. The Commission finds that no party to this case will be adversely affected by its action on the application for modification.

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification of a PUD for Square 532 at 441 4th Street, NW. Condition No. 14 of previous orders in this case is modified as follows:

Condition No. 14 of Z.C. Order Nos. 494 and 494-A is modified to allow the applicant or other party to release the funds escrowed for purposes of artwork at the PUD site to the Children's Advocacy Center for location of its facility at the PUD site.

Vote of the Zoning Commission taken at its public meeting on August 4, 1997: 4-0 (Herbert M. Franklin, John G. Parsons, Jerrily R. Kress and Maybelle Taylor Bennett to approve pending receipt of letters from the two parties).

The order was adopted by the Zoning Commission at its special public meeting on September 23, 1997, by a vote of 4-0 (John G. Parsons, Herbert M. Franklin and Maybelle Taylor Bennett to adopt; Jerrily R. Kress to adopt by absentee vote).

In accordance with the provisions of 11 DCMR 3028.8, this order shall become final and effective upon publication in the D.C. Register, that is on _____


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

ZCO494-B/MHD