

Government of the District of Columbia  
ZONING COMMISSION



**ZONING COMMISSION ORDER NO. 494-C**  
**Case No. 97-11M/91-11M/85-18C**  
**(PUD Modification - One Judiciary Square)**  
**September 25, 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 3<sup>rd</sup>, 4<sup>th</sup>, 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 4<sup>th</sup> Street to identify the building as a municipal building, with other signage on 4<sup>th</sup> Street for retail users being subject to Zoning Commission final approval.

By Z.C. Order No. 494-B, dated September 23, 1997, the Commission approved a modification to the PUD that would allow a change to Condition No. 14 which was previously approved in Order No. 494 and modified in Order No. 494-A. The Commission allowed for the use of escrowed funds for artwork, to be used to establish the D.C. Children's Advocacy Center (CAC) at the PUD site. Order No. 494-B is moot because of the amended request approved by this order. Order No. 494-B was not published or issued.

On September 24, 1997, the Office of Zoning received correspondence from the 441 Fourth Street Limited Partnership indicating that the application for modification had cited

the wrong condition for modification. The letter indicated that the funds related to Condition No. 14 had already been spent on artwork at the PUD site, and that the modification request should have been for the escrowed funds related to Condition No. 12.

The Commission received a memorandum from the Director of the Department of Administrative Services requesting that the Commission correct its action in this matter by approving a modification to Condition No. 12 to allow for the escrowed funds to be released for use by the D.C. Children's Advocacy Center.

At a special public meeting on September 25, 1997, the Commission took proposed action to approve the request for modification of Condition No. 12 of the PUD. The modification will allow \$100,000 of the escrowed funds for improvements to the park across 4<sup>th</sup> Street from the PUD site to be released to CAC.

The Commission notes that the applicant's initial request asked for consideration on the Commission's Consent Calendar, pursuant to 11 DCMR 3030.

Additionally, the Commission notes that the initial request was supported by Mayor Marion Barry, the Office of Planning (OP), and the two parties in the case--ANC 6A and the First Trinity Lutheran Church.

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. However, the Commission believes that the escrowed funds set aside for improvements to the park across 4<sup>th</sup> Street should have been used for that purpose prior to the present time, and that the Commission should not have been put in the position of choosing between helping to fund a program to benefit children or maintaining funds for improvements to the park. The Commission also notes that the escrowed funds were not for the developer/applicant to return the park to usefulness after construction of the PUD, but was to be used specifically to improve the landscaping of the park so that it would be comparable to the area around the Metrorail station near the Building Museum.

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.

The National Capital Planning Commission (NCPC) made it known to the Director of the Office of Zoning that it was aware of the request, had no objections and did not expect a referral. Therefore, the Commission did not refer this matter to NCPC.

The Commission notes that both parties to the case submitted letters in support of the original modification request, and finds that based on their stated support for the location of CAC at One Judiciary Square, both parties are in support of the instant request. The Commission finds that no party to this case will be adversely affected by its action on the amended 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 4<sup>th</sup> Street, NW. Condition No. 12 of previous orders in this case is modified as follows:

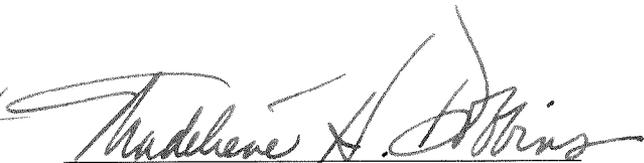
**Condition No. 12 of Z.C. Order Nos. 494 and 494-A is modified to allow the applicant or other responsible party to release only \$100,000 of the funds escrowed for purposes of improvements to the park across 4<sup>th</sup> Street from the PUD site to the Children's Advocacy Center for location of its facility at the PUD site. The balance of any funds left in escrow, including any accrued interest, shall be used for purposes of improving the park across 4<sup>th</sup> Street from the PUD site. The applicant shall submit a statement to the Zoning Commission indicating the total amount of funds available in the account and the balance that will remain after \$100,000 is released to CAC.**

Vote of the Zoning Commission taken at its special public meeting on September 25, 1997: 3-O (Herbert M. Franklin, Jerrily R. Kress and John G. Parsons, to approve; Maybelle Taylor Bennett not present not voting).

The order was adopted by the Zoning Commission at its special public meeting on September 25, 1997, by a vote of 3-O (Herbert M. Franklin, Jerrily R. Kress and John G. Parsons, to adopt; Maybelle Taylor Bennett not present not voting).

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 OCT 10 1997

  
**MAYBELLE TAYLOR BENNETT**  
Chairperson  
Zoning Commission

  
**MADELIENE H. DOBBINS**  
Director  
Office of Zoning

ZCO494-C/MHD