

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 629
Case No. 88-16C
(PUD @ 901 New York Avenue, N.W.)
September 11, 1989

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on May 15 and 22, 1989. At those hearing sessions, the Zoning Commission considered an application from the Jerome Golub Realty and Willco Construction Company, Inc. for consolidated review and approval of a Planned Unit Development (PUD), pursuant to Section 2400 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Chapter 30 of the title.

FINDINGS OF FACT

1. The original application, filed on June 14, 1988, requested consolidated review and approval of a PUD for lots 18-20, 23, 27-31, 804-806, 816-819, 821, 823, 827-831, 835-837, 840-852, in Square 372 located at 901 New York Avenue, N.W.
2. The original application was for construction of a 130 foot building for general office and retail use with a gross floor area of 486,250 square feet and an FAR of 9.5. The office building was intended to provide the economic support for a second mixed use PUD with 145 apartment units at 910 M Street, N.W. in Square 369 (Z.C. Case No. 88-17C). The PUDs were to be considered as one project. The 910 M Street PUD also included a small SP-type office component.
3. On November 8, 1988, the applicants withdrew Case No. 88-17C (PUD @ 910 M Street in Square 369), pursuant to 11 DCMR 3029.3.
4. On November 21, 1988, the applicants submitted a revised PUD application. The revised application included two sets of architectural drawings for the proposed project (Scheme A and Scheme B).

- a. Scheme A was for the construction of a 9.5 FAR office and retail building. This alternative included an off-site amenity package of 34 townhouses to be constructed at 910 M Street, N.W. and the renovation of a building containing 20 to 25 dwelling units to be occupied by families of low or moderate income within close proximity to the subject PUD.
 - b. Scheme B was for a 9.2 FAR office and retail building with an off-site amenity of 20 to 25 low and moderate housing units to be renovated in the adjacent area. In addition, both schemes would provide approximately 55,000 square feet of floor space devoted to retail, service and Convention Center support space, with up to fifty (50) percent of the space reserved for use by the Convention Center. The applicants also proposed landscape and streetscape improvements.
5. In the applicants' prehearing submission filed on March 16, 1989, the alternative Scheme B included in the November 1988 revised application was withdrawn.
 6. The PUD site is located to the immediate southwest of Mount Vernon Square and is bounded by 9th, 10th and K Streets and New York Avenue, N.W. The PUD site comprises approximately 51,246 square feet of land area, and is presently zoned HR/C-3-C and C-3-C. No change of zoning is requested. The subject property is currently used as a surface parking lot.
 7. The applicants propose to construct an office and retail building with 486,250 square feet of gross floor area. The FAR is 9.5 and the maximum height is 130 feet. The building will contain parking for 400 cars, of which 292 spaces are within the boundaries of the site and 108 are in vault space. The Zoning Regulations require 288 spaces.
 8. The C-3-C District permits matter-of-right 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.
 9. The HR (hotel/residential incentive overlay) permits development incentives for residential and hotel uses, only, to a maximum FAR of 8.5 and a maximum height, as permitted by the "Act to Regulate the Height of Buildings, June 1, 1910, as amended". The HR District is mapped in combination with other Districts.

10. Under the PUD Regulations, the Zoning Commission has authority to impose development conditions, guidelines and standards which may exceed or may be less than the matter-of-right standards identified above. The Zoning Commission may also approve uses that are permitted as a special exception by the Board of Zoning Adjustment (BZA) or approve development variances that are required by the project design.
11. The District of Columbia Generalized Land Use Element of the Comprehensive Plan for the National Capital designates the subject site for mixed-use high density residential and commercial development.
12. The zoning pattern in the area includes C-4 to the west, one block away; HR/C-3-C to the south and southeast; and HR/SP-2 to the north along Massachusetts Avenue.
13. The subject site is triangular in shape and constitutes the entirety of Square 372 with the exception of one small lot on K Street, N.W. To the south of the subject site across New York Avenue is the Convention Center, while to the north is Mt. Vernon Place Church. To the east of the site is Mount Vernon Square which includes the Old Carnegie Library presently used by the University of the District of Columbia (UDC). The Techworld complex is presently under construction to the southeast of the site, and to the west across 10th Street is the recently approved PUD at 1001 New York Avenue, N.W. To the northwest is the site for the proposed UDC Campus, which is presently vacant and used for storage and parking. The subject site is located within the Central Employment Area.
14. The proposed project is consistent with the goals and objectives of the PUD process and will provide significant benefits to the District of Columbia and the neighborhood, including the following:
 - a. The applicants will purchase a building at 919 L Street containing 23 apartment units for the 919 L Street Tenants Association. The units are to be occupied by low and moderate income families;
 - b. The applicants will provide for the renovation and return to the District of 149 city-controlled housing units for low and moderate income families;
 - c. Approximately 30,000 square feet of floor area will be devoted to Convention Center support, retail and service space;

- d. The project will significantly upgrade this important gateway to Downtown, by replacing an existing surface parking lot with a well-designed office building;
 - e. The project will provide approximately 5,000 square feet of public open space along New York Avenue, with a full height triangular setback serving as a retail plaza at street level and providing relief to the building mass above;
 - f. The project will include improvements to public space surrounding the building, including an improved streetscape. The applicants have reached an agreement-in-principle with the National Park Service (NPS) to landscape and maintain the Federal parkland facing 9th Street in Square 372 and the parkland in Square 371. In addition, the applicant proposes to cooperate with the Convention Center in the design and maintenance of the landscape for the median of New York Avenue in the front of the project;
 - g. The project will provide parking in excess of that required by the Zoning Regulations, and will be made available for the use of visitors to the D.C. Convention Center;
 - h. The project will include a day care center with subsidized rents; and
 - i. The project will produce economic benefits to the District and its residents through:
 - 1. Increased real estate tax revenues;
 - 2. Commitment to jobs for minorities in the construction of the project through the Minority Business Opportunity Commission ("MBOC"); and
 - 3. First Source Employment for construction jobs.
15. The site plan indicates two office wings joined by a rotunda entrance in the center. The two office wings form a triangular park space midway along New York Avenue. This public open space serves as a pedestrian plaza for adjoining retail activity. The rotunda, the major project entrance, anchors the plaza and connects the two secondary lobbies, which are off of K and 10th Streets.
16. The height and FAR proposed is appropriate for the site

and consistent with buildings in the vicinity including the proposed Hadid project at 1001 New York Avenue and Techworld to the southeast. Both of these buildings are 130 feet in height.

17. The architect requested flexibility in certain design details of the project to ensure that minor refinements and improvements made during the process of design development and construction documents will be consistent with the intent of the proposed design.
 18. Handicapped access is provided at both the 10th and K Streets lobby entrances. Handicapped access will also be provided from New York Avenue to the retail plaza and designed in accordance with D.C. Building Codes.
 19. Portions of the proposed office building above the 110 feet height do not meet the normal 45 degree setback of the underlying HR district. The additional setback required by the HR district would reduce the usable area on the top two floors and impose severe restrictions on the layout of tenant area. Approximately fifty (50) percent of the proposed building perimeter meets the setback requirements of the HR district, and the setbacks at the corners of the building significantly exceed the HR district guidelines.
 20. Proposed landscaping for Federal Reservations No. 175 and 70 is to be accomplished in a manner similar to the original plan of the parks and is to be maintained for a 5 year period through the Adopt-A-Park Program with the National Park Service.
 21. The street tree planting along New York Avenue is in conformance with the Downtown Streetscape Guidelines. Pruning of the curbside trees to a height of 10-12 feet will minimize potential damage from trucks.
 22. At ten intersections in the area, the levels of service vary from A to C, which is well within acceptable limits of the District of Columbia. The site is served by 9 Metrobus routes and by two Metrorail Stations (Gallery Place and Metro Center) within a 6 to 8 minute walk. The project will generate approximately 375 cars during the peak hour, which will not change any of the current levels of service.
 23. The proposed parking and loading are adequate and there will be no adverse impacts in terms of traffic. The design of the loading and parking entrances ensure pedestrian safety.
 24. The applicants' real estate appraiser, by testimony
-

presented at the public hearing and by supplemental report, stated that the highest and best use of the site is clearly commercial. Residential or hotel use of the site is not feasible. As a matter-of-right, the applicants could develop a commercial office building of 333,099 square feet of gross floor area. Without the PUD, there is no reason to expect that any housing will be provided on-site.

25. The applicants' market and economic consultant, in testimony at the public hearing, stated that from a market and economic viewpoint, it is not feasible to develop the site for hotel or residential uses.
26. The market and economic consultant further stated that the applicants' offer to provide space for the Convention Center will have to be subsidized and represents an amenity.
27. The market and economic consultant indicated that the annual revenue benefits to the city from the project are estimated to be over \$2.9 million, including real and personal property taxes, parking, sales taxes and income taxes from office employment. He also indicated that the city should receive an additional \$892,000 from income taxes on construction employment. The consultant estimated that the project would generate 607 office jobs and 468 construction jobs for D.C. residents.
28. The District of Columbia Office of Planning (OP), by memorandum dated May 5, 1989 and by testimony presented at the public hearing, recommended that the application be approved indicating that the proposal is generally responsive to the type of commercial development and activity that are appropriate for that area of the city. OP further stated that the entire amenity package is substantial and has been carefully measured relative to the applicants' requests.
29. The Office of Business and Economic Development (OBED), by memorandum dated April 21, 1989, indicated that OBED can not support the applicants' proposal because it is not in compliance with designated land use objectives. OBED noted that the proposed project is not in conformance with the objectives of the Comprehensive Plan because it does not include a hotel or an on-site residential component. OBED further stated that the proposed PUD project does not respect the underlying zoning district.
30. The D.C. Department of Housing and Community Development (DHCD) submitted a report dated May 12, 1989 to the Office of Planning regarding the PUD

project. DHCD's letter identified the 149 housing units to be renovated under the PUD. The work is to commence as soon as the building permits are obtained and to reach substantial completion by August 1990. The units are as follows:

3275 15th Place, S.E.	13 units
3281 15th Place, S.E.	13 units
3287 15th Place, S.E.	13 units
2525 Minnesota Ave., S.E.	40 units
1624 27th Street, S.E.	27 units
706 Brandywine St., S.E.	13 units
1424 W Street, N.W.	20 units
336 Adams Street, N.E.	8 units
1343 First Street, N.W.	2 units

31. The Soil Resources Branch of the Department of Consumer and Regulatory Affairs, by letter dated March 20, 1989, stated that the applicants must provide a storm water management facility for the project, pursuant to D.C. Law 5-188, Secs. 509-519. It noted that the developer should submit the conceptual design for the stormwater management facility for review before a final design is done.
32. The D.C. Department of Public Works (DPW), by testimony at the public hearing, stated that the proposed parking and loading is adequate, except that the applicants need to show the location of service/delivery space. In addition, DPW indicated that it is in the process of changing the operation of K Street, between 9th and 10th Streets, from two-way to one-way heading west.
33. The applicants, by supplemental submission dated May 26, 1989, have identified the service/delivery space.
34. The applicants' traffic consultant, by report dated May 23, 1989, noted that the proposal to change K Street had been discussed with representatives of DPW. The traffic consultant agreed with DPW that the plan would be beneficial for traffic operations in general, and for the subject development in particular.
35. DPW, by a supplemental report dated June 21, 1989, indicated that DPW plans to make K Street one-way westbound between 9th and 10th Streets and to change the operation of 10th Street between K and L Streets to two way, so as to provide a better circulation for traffic in this area. DPW further stated that these changes in traffic flow on both K and 10th Street will not be implemented until the reconstruction of New York Avenue, between 9th and 13th Streets, is completed.
36. DPW noted that the proposed curbcut for the truck

entrance on K Street is 36 feet in width and does not comply with DPW standards. DPW recommended that the applicants revise the truck driveway to comply with the DPW policy which limits curbcut to a 25 foot width, unless a 5 foot-wide divider for pedestrian storage is provided.

37. Councilmember John A. Wilson (Ward 2), by a letter dated February 6, 1989, supported the application.
38. Councilmember Hilda Howland M. Mason, by a letter dated May 16, 1989, supported the application.
39. Advisory Neighborhood Commission (ANC) 2C, by report dated May 9, 1989 and by testimony presented at the public hearing, supported the application with conditions including the following:
 - a. That the applicants provide an additional \$600,000 for the renovation of the housing at 919 L Street, N.W., and that the applicants assure that the units in this building be offered at a price affordable by present tenants, and other low income families;
 - b. That the applicants sign a covenant limiting the future development of the 910 M Street site to residential use only; and
 - c. That the applicants sign a Memorandum of Understanding with ANC 2C to give ANC-2C residents priority for jobs associated with both the construction and subsequent operation of the building, as well as provide a training (apprenticeship) program and provide a compliance program to monitor efforts and successes regarding the Memorandum.
40. ANC-2C expressed concern that not enough of the housing units proposed for renovation would be located within the ANC 2C area. The ANC also stated that the loss of the HR overlay on the site at 901 New York Avenue, N.W. represents the loss of potential housing in the local community, and also further erodes the concept of living downtown by supporting additional northward encroachment of office uses without the tempering effect of adjacent or nearby housing.
41. Representatives of the 919 L Street Tenants Association and Washington Innercity Self Help (WISH), by testimony at the public hearing, spoke in favor of the PUD. Particular emphasis was devoted to the support for the purchase, on behalf of the Tenants Association, of the apartment building at 919 L Street as a part of the

PUD. The representatives of WISH indicated that the tenants would be able to utilize the building as collateral to obtain a loan to renovate the building. The representatives of WISH also stated that other public and private sources of subsidy would be sought to help with the building's renovation.

42. Justice for Janitors Organizing Committee (JFJ), by letter dated November 7, 1988, by subsequent correspondence and by testimony presented at the public hearing, opposed the application because it believed that one of the applicants was in violation of the Human Rights Act of the District of Columbia.
43. JFJ, by submission dated May 1, 1989, requested party status. JFJ's stated reasons for party status were to ensure that any PUD approval be conditioned on full compliance with the District's laws, including the Human Rights Act, that PUD approval not be used to further ongoing violations of the Human Rights Act, and that appropriate regulations be established to govern access to and use of public areas of the project.
44. By a letter dated May 12, 1989, the applicants requested that JFJ's motion for intervention as a party be denied. The applicants stated that JFJ did not meet 11 DCMR 3022.3 which provides the standards which persons desiring to participate as a party must meet.
45. At the public hearing on May 15, 1989, the Zoning Commission determined that JFJ did not meet the standards for party status and subsequently denied JFJ's request.
46. The Commission concurs in general with the position of OP and the applicant for the following reasons:
 - a. Although the purpose of the HR Overlay Zone is to encourage the development of housing in the downtown area, the Commission agree that this PUD site does not lend itself to successful residential or hotel development;
 - b. The proposed 130 foot height and 9.5 FAR of the project are appropriate for this site. A height of 130 feet and a FAR of 8.5 could be established on the site as a matter-of-right, provided that at least 2.0 FAR of hotel or residential use was provided on the site. Through the PUD process, the Zoning Commission has the authority to grant increased height and density in exchange for the provision of certain amenities;
 - c. The Commission has considered the existing HR

overlay zoning of the site and the downtown residential land use objectives of the Comprehensive Plan, and finds that approval of this project is justified by the applicants' commitment to purchase a building at 919 L Street (1 1/2 blocks from the PUD site) and the renovation on 149 housing units identified by the Department of Housing and Community Development.

- d. The Commission finds that the amenities provided by the applicants are sufficient to justify the approval of the additional height and density;
 - e. A nexus between the proposed project and the off-site housing amenity is established because the subject PUD offers housing opportunities both immediately adjacent to the PUD and at other locations.
47. The Commission does not concur with the recommendation of ANC 2C that the applicants provide an additional \$600,000 to renovate the building at 919 L Street, N.W., nor with the ANC's request to place a covenant on 910 M Street limiting the use of that site to residential uses. The Commission finds that the housing assistance that is proposed by the applicant is substantial.
48. The Commission concurs with OP and the applicants and finds that the public amenities offered as a part of the PUD are significant, particularly the provision of renovated housing for low and moderate income families, the provision of support space for the Convention Center, the provision of a day care center, and the project's retail plaza and landscaping.
49. The Commission does not concur with the conclusions of the Office of Business and Economic Development that the project is not in conformance with the Comprehensive Plan because housing or hotel uses are not provided on site. The Commission finds that the applicants' substantial off-site housing package is appropriate and not inconsistent with the Comprehensive Plan.
50. The Commission concurs with DPW and the applicants and finds that the applicants have adequately addressed the issues of traffic. In terms of the proposed changes to K Street, the Commission finds that if DPW determines to make K Street one-way westbound between 9th and 10th Streets, such a proposal will not negatively impact the project.
51. As to the concern of DPW regarding the width of the

curbcut, the Commission finds that the issue of the curbcut has yet to be resolved and because the curbs are located in public space, should more appropriately be addressed by the applicants and DPW.

52. As to the concern regarding violations of the Human Rights Act, the Commission finds that it is appropriate that the requirements of the Act apply to this process, and believes that it has adequately addressed the matter in its decision.
53. The Commission finds that the applicants have met the intent and purpose of the Zoning Regulations and further finds that the proposal is suitable for the site, and that the design, height, density, and scale are compatible with the subject neighborhood.
54. 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-Governmental and Government Reorganization Act. The NCPC, by report dated September 11, 1989, indicated that the proposed action of the Zoning Commission would not adversely affect the Federal establishment or other Federal interests in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, because control of the use and site plan is essential to ensure compatibility with the neighborhood.
2. The development of this PUD carries out the purposes of Chapter 24 to encourage the development of well-planned residential, commercial and mixed-use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.
5. The approval of this 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 2C the "great weight" consideration to which it is entitled.
9. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of this application for consolidated review of a Planned Unit Development ("PUD") for Lots 18-20, 23, 27-31, 804-806, 816-819, 821, 823, 827-831, 835-837, 840-852, in Square 372 located at 901 New York Avenue. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The Planned Unit Development ("PUD") shall be developed in accordance with the plans prepared by Clark, Tribble, Harris and Li Architects marked as Exhibit No. 35B of the record as modified by the guidelines, conditions and standards of this Order.
2. The PUD project shall be developed as a general office building with a ground floor retail component.
3. The height of the building shall not exceed one hundred and thirty (130) feet excluding the roof structure. Setbacks shall be as shown on Exhibit No. 35B.
4. The floor area ratio ("FAR") of the project shall not exceed 9.5.
5. The total lot occupancy of the project shall not exceed eighty-six percent (86%) of the site.
6. The applicants shall provide a minimum of 288 parking spaces, consisting of full size, compact and handicapped spaces. The applicants may provide additional parking in the vault space as shown on the plans, Exhibit No. 35B.

7. The project shall include the amenities package proposed as part of this application and described in detail in findings and record of this case, as follows:

- a. The applicants shall provide funding for the purchase of the building at 919 L Street, N.W. containing 23 apartment units for the 919 L Street Tenants Association.
- b. The Tenants Association shall use the building for housing families of low and moderate income.
- c. The applicants shall provide for the renovation and return to the District of 149 city-controlled housing units for low and moderate income families. The units to be renovated are as follows:

3275 15th Place, S.E.	13 units
3281 15th Place, S.E.	13 units
3287 15th Place, S.E.	13 units
2525 Minnesota Ave., S.E.	40 units
1624 27th Street, S.E.	27 units
706 Brandywine St., S.E.	13 units
1424 W Street, N.W.	20 units
336 Adams Street, N.E.	8 units
1343 First Street, N.W.	2 units

- d. The PUD shall include approximately 30,000 square feet of floor space devoted to Convention Center support, retail, and service space.
- e. The PUD shall provide approximately 5,000 square feet of public open space along New York Avenue.
- f. The applicants shall improve the public space surrounding the building including improving the streetscape in compliance with and exceeding D.C. Streetscape regulations. The applicants shall have the flexibility depending upon the species of trees to reduce the height of the planters along K Street and have the planters a maximum of no more than two feet above the adjacent grade.
- g. The applicants shall enter into and comply with the terms of a written agreement between them and the National Park Service (NPS) to address improvements and maintenance of U.S. Reservations 70 and 175 adjacent to the PUD site. The Zoning Secretariat shall not release the record of this case to the Zoning Regulations Division of DCRA until the applicants have filed a copy of the required agreement between them and NPS.

- a. Varying the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - b. Making minor adjustments in the facade, window and balcony detailing, including the flexibility to shift the location of the doors to the retail uses on the ground floor and vary the type of paneling used on the retail frontage in order to accommodate the different types of retail uses;
 - c. Varying the location and type of exterior lighting fixtures.
 - d. Varying the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at time of construction;
 - e. Varying the species of plant materials;
 - f. Varying landscape and paving details to accommodate utilities requirements and minor refinements incorporating comments of the streetscape committee;
 - g. Allowing the flexibility permitted pursuant to the provisions of 11 DCMR, Chapter 24.
10. The Zoning Commission reserves the discretion to determine the proceedings by which it will consider any matter submitted to it pursuant to Paragraph f. of condition numbered 9 of this order.
 11. Handicapped access to the retail plaza shall be provided from New York Avenue. Other handicapped access to the project shall be provided in accordance with Exhibit No. 35B.
 12. Subject to the direction of traffic flow on K Street, the applicants shall have the flexibility to switch the ingress/egress lanes for the parking and loading facilities. Other than the aforementioned, the K Street parking and loading entrances shall be developed in accordance with Exhibit No. 35B.
 13. Roll down doors for the loading and parking entrances shall be provided in accordance with Exhibit No. 35B.
 15. Antennas within the screen walls of the mechanical penthouse areas may be permitted in accordance with the

Zoning Regulations.

16. The applicants shall enter into a Memorandum of Understanding with the Minority Business Opportunity Commission, which requires the applicants to make a bona fide effort toward at least thirty-five (35) percent of the construction related contracts for the project to certified minority business enterprises.
17. The applicants shall comply with its First Source Agreement with the Department of Employment Services ("DOES") which provides that the applicants will use DOES as its first source for the recruitment, referral and placement of employees in connection with the construction of the project.
18. No building permit shall be issued for the site until the applicants have recorded a covenant in the land records of the District of Columbia between the owner and the District of Columbia satisfactory to the Office of Corporation Counsel and the Zoning Regulatory Divisions of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construct on and use of the property in accordance with this Order and amendments thereto of the Zoning Commission.
19. The Zoning Secretariat shall not release the record of this case to the Zoning Regulations Divisions of the DCRA until the applicants have filed a certified copy of said covenant with the records of the Zoning Commission.
20. The PUD 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 Subsection 2407.1 DCMR Title 11. Construction shall start within three years of the effective date of this Order.
21. Pursuant to D.C. Code SEc. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicants are required to comply fully with the provisions of D.C. Law 2038, as amended, codified as D.C. Code, Title 1, Chapter 25, (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this Order shall be understood to require the Zoning Regulations Division/DCRA to approve permits, if the applicants fail to comply with any provision of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at the public meeting on June 12, 1989: 4-0 (John G. Parsons, Maybelle Taylor Bennett and Lindsley Williams to approve with conditions, William L.

Ensign, to approve by proxy - Lloyd D. Smith, not voting having recused himself).

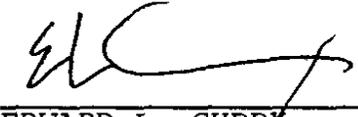
The guidelines, conditions and standards were approved by the Zoning Commission at the public meeting on July 10, 1989 by a vote of 4-0 (John G. Parsons, Maybelle Taylor Bennett, William L. Ensign and Lindsley Williams, to approve as amended - Lloyd D. Smith, not voting having recused himself).

This order was adopted by the Zoning Commission at the public meeting on September 11, 1989 by a vote of 3-0 (John G. Parsons, Maybelle Taylor Bennett and William Ensign to adopt; Lloyd D. Smith, not voting, having recused himself; and Tersh Boasberg, not voting, not having participated in the case).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is on

OCT 13 1989


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat