

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 680
Case No. 90-13C
(PUD & Map - Prevocational School)
December 17, 1990

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on September 24, 1990. At that session, the Zoning Commission considered an application from the New Jersey and H Limited Partnership. The application requested approval of a Planned Unit Development (PUD) and related Zoning Map amendment, pursuant to the provisions of Chapter 24 and Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on May 24, 1990, requests consolidated review and approval of a PUD and Zoning Map amendment from C-2-A and R-4 to C-3-C for Lot 188 in Square 623 located on the northeast corner of New Jersey Avenue and H Street, N.W.
2. The PUD site contains approximately 161,670 square feet of land area, and is bounded by H Street on the south, New Jersey Avenue on the west, I Street to the north, and by the Gonzaga playing fields and tennis courts to the east. The site has a frontage of 445.92 feet along H Street, N.W., 340.93 feet along New Jersey Avenue and 477.32 feet along I Street. The site is presently improved with a partially built deteriorating building, which will be razed.
3. The ground of the PUD site is owned by the District of Columbia. The development rights were awarded by a Selection Review Committee to the applicant for a 99-year ground lease in a publicly advertised Request For Proposals (RFP) process.
4. The PUD site will be developed with three office buildings and a day care center-nursery school-tutoring facility. A mixture of general office

and retail uses, as permitted in the C-3-C Zone District, will be provided.

5. The R-4 District permits matter-of-right development of residential uses (including detached, semi-detached and row single-family dwellings and flats) with a minimum lot area of 1,800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, and maximum height limit of three stories/forty feet. Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit.
6. The C-2-A District permits matter-of-right low density development, including office, retail and all kinds of residential uses, to a maximum FAR of 2.5 with non-residential uses limited to 1.5 FAR, a maximum height of fifty feet, and a maximum lot occupancy of sixty percent for residential uses.
7. 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 FAR of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one-hundred percent.
8. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a first-stage PUD. The Commission may also impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified above for height, FAR, lot occupancy, parking, and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the BZA.
9. The District of Columbia Generalized Land Use Map Element of the Comprehensive Plan for the National Capital identifies the PUD site as being included in the institutional land use category, and contiguous to areas included in the federal, medium density residential, and high density commercial land use categories.
10. The property is located in an area containing a variety of uses, including office, industrial, government, commercial, residential and educational. To the west are a large expressway and office buildings. To the east are office buildings and to the south is the Government Printing Office.

- c. Making minor adjustments in the facade window 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 frontages in order to accommodate the different type of retail uses; and
- d. Varying the location and design of any interior components, including partitions, structural slabs, doors, hallways, columns, stairways, location of elevators, electrical and mechanical rooms, so long as the variations do not change the exterior configuration or appearance of the building including the penthouse and do not increase the height or floor area of the building.

29. The applicant proposed the following project amenities:

- a. A Minority Educational Foundation will be funded with \$2 million plus \$30 per FAR foot approved by the Zoning Commission over 6.5 FAR. This funding is to be made not later than two years following the ground lease commencement date. The foundation will be established as a non-profit District of Columbia entity. The Foundation will be directed by seven non-paid Board of Directors, which will include Richard A. Bennett, Jr., David Wilmont, Brigman Owens, Single District Member Commissioner for ANC-2C12, and three members to be appointed by the Joshua Group. The Foundation will control, operate and fund all activities carried out in and by the Day Care Center-Nursery School-Tutoring Facility. The Foundation's charter shall require that the Foundation shall utilize its funds to benefit and assist predominantly, if not exclusively, children and parents or guardians who reside in or work in Census Tract #47. The Foundation shall provide space in the Educational Facility at no charge for neighborhood senior citizens groups to meet. The Foundation is to provide funding for tutorial services, provided directly by the Educational Facility or by third party groups such as the Higher Achievement Program (HAP), to be provided children of parents residing or working in Census Tract #47;
- b. The applicant will also provide an approximate 9,800 square foot Day Care Center-Nursery School-Tutoring Facility, which will be constructed at the applicant's expense at a cost of approximately \$1 to \$1.5 million. This Education Facility will provide day care, preschool and nursery school instruction and

11. In the last few years there has been considerable rezoning activity from C-M-3 to C-3-C in the immediate area. The squares across North Capitol Street to the east of the site were rezoned to C-3-C.
12. In November, 1989, the Zoning Commission approved a Planned Unit Development for office use at 800 North Capitol Street, which building will be 114 feet in height and an FAR of 9.37, excluding the penthouse, and including a rezoning to C-3-C from R-4 and C-2-A for Lot 184 in Square 623 and part of Lot 837 (Record Lot 88) in Square 622, in Case No. 89-14C, Z.C. Orders No. 645 and 645-A. That building is presently being constructed.
13. In 1985, in Case No. 84-6 and by Z.C. Order No. 450, the Zoning Commission granted a rezoning request made by the Redevelopment Land Agency ("RLA") for property located in Squares 675, 676 and 677. In that case, the Commission rezoned a parcel of property containing 201,062 square feet of land from C-M-3 to C-3-C.
14. Similarly, in July, 1988, in Case No. 88-1 and by Z.C. Order No. 570, the Zoning Commission granted approval of a rezoning request made by several owners of property located in Squares 675 and 676. In that case, the Commission rezoned 163, 147 square feet of land from C-M-3 to C-3-C.
15. In both Cases No. 84-6 and 88-1, the Commission found that development patterns in the area indicated growth in commercial/office/hotel use rather than in industrial use as originally anticipated. The Commission stated:

"that the rezoning of the property to C-3-C would be compatible with the existing zoning in the area since C-3-C concurrently exists directly south, east, and west of the site."
16. The applicant proposes rezoning to a C-3-C District which is designed to accommodate important subcenters supplementary to the business district. The proposed zoning change and increased FAR to approximately 7.0 would enable the applicant to build a commercial structure appropriate to the site and compatible with the Government Printing Office across H Street which is 169.19 feet high, including penthouses.
17. This increase in FAR is within the PUD guideline. The project would be in keeping with the C-3-C office development on the east side of North Capitol Street at Union Center Plaza and the Center for Public Administration building at the southeast corner of the

intersection of North Capitol and H Streets. This rezoning also parallels the rezoning to C-3-C of the site at 800 North Capitol in the same square to the east.

18. The applicant indicated that the floor area ratio (FAR) for the total project, the three office buildings and the day care center-nursery school-tutoring facility will not exceed an FAR of 7.0. The office buildings (A, B, and C) will contain 221,050, 519,520 and 381,320 square feet of gross floor area, respectively. Each building will have a penthouse of approximately 15,000 square feet.
19. The height of buildings A, B and C will not exceed 87, 108 and 121 feet, respectively, excluding the penthouse. These different heights are caused by a change in street elevations. The cornice line of all three will align with that of 800 North Capitol Street. The height of the penthouse will not exceed 18'6" nor exceed a FAR of .37. The apparent height of each building will be approximately 15 feet less than the actual height because the top floor of each is set back behind the cornice line.
20. The lot occupancy will not exceed eighty-eight (88) percent.
21. No rear yard will be required for the project.
22. The three buildings A, B and C will include parking spaces for approximately 123, 281 and 210, respectively, consisting of full-size, compact and handicapped spaces.
23. The loading activity for the project will be in accordance with the plans marked as Exhibit No. 58 in the record.
24. The applicant indicated that the design of the project is in keeping with the scale and character of the immediate area. The project will continue the character of the main GPO building along North Capitol Street, while providing a transition to the more moderately-scaled Gonzaga buildings to the north. The cornice which finishes the buildings align with the main cornice of the GPO building and the building at 800 North Capitol Street. Pedestrian entries to the office lobbies are from the center of the facades on New Jersey Avenue and H Street and I Street.
25. Building materials will consist of a two-story rusticated sandstone colored precast above a granite plinth. The upper floors will be composed of red brick

with sandstone colored precast trim. This trim will frame a deeply set infill of sandstone colored precast and painted aluminum windows. The mechanical penthouse will also be of brick with precast trim. The color scheme will relate to the Gonzaga buildings, the GPO building, as well as the 800 North Capitol. The predominant material will be brick. Pedestrian entries to the office lobbies are from New Jersey Avenue, H Street and I Street, N.W. The entries are clearly articulated with deep moldings reinforcing the traditional context of the surrounding buildings. The buildings have been designed in the context of traditional urbanism, separating clearly parking, loading and pedestrian access. Parking and loading entries are along H Street and I Street, and are incorporated into the rhythm of the arched bays of the base. There are no barriers to the handicapped.

26. The applicant will observe the following guidelines with respect to storefront signage:

Exterior signage will be limited to a sign band with 12" high (maximum) letters in any style appropriate to the retail establishment. The letters will either be back lighted or internally illuminated. Individual signage may also be provided by the retail tenants behind the storefront glass with the stipulation that it will not occupy greater than 25 percent of the storefront glazed area.

27. New sidewalk treatment and landscaping will be installed along New Jersey Avenue and along H Street and I Street. The landscaping and sidewalk treatment will meet or exceed Streetscape standards, including London Walk 2'x3' precast pavers in trisected running bond, Zelkova trees on New Jersey Avenue and Northern Red Oaks on H and I Streets. The day care lawn will be lushly planted with a variety of trees and soft grass turf, and a terraced amphitheater will be sculpted into the hill between the wings of the center.

28. Applicant has requested the flexibility to:

- a. Alter the number of parking spaces by no more than five percent;
- b. Reserve the right to build an additional level below-grade which would be occupied by the building's primary tenant or used as shared conference facilities, computer rooms, storage and like facilities. This additional level will not alter parking, FAR, heights, nor the exterior appearance of the building;

tutoring services for students in nearby D.C. public schools. The Day Care Center-Nursery School Tutoring-Facility will be staffed with qualified educators and day care providers. The Day Care Center will be equipped with age appropriate furniture and playground equipment. Parenting programs will also be provided and the Center shall provide services for children of ages one through five;

- c. The applicant will provide space in Building A in which to relocate the District of Columbia School of Law should the District exercise its option to lease such space;
- d. Significant employment for D.C. residents;
- e. Assurances for retail uses as requested by residents in the community at neighborhood meetings and as is reflected in the Applicant's Participation Agreement with the Joshua Group;
- f. Superior architectural and urban design;
- g. Substantial real estate, income, and other tax revenues to the District;
- h. To the H Street Community Development Corporation, fifteen percent of all monies from cash flow, refinancing and/or sale proceeds generated by the development which would otherwise be distributed to the partners will instead be distributed to that CDC. These funds will be used by that CDC to provide and facilitate the development of housing and other development in the community. The Participation Agreement between the applicant and the H Street CDC is a part of the record and is incorporated herein by reference;
- i. An additional fifteen percent of all monies from cash flow, refinancing and/or sales proceeds generated by the development which would otherwise be distributed to the partners will instead be distributed to the Joshua Group which will use the funds exclusively to provide housing, educational and medical benefits for the residents of and those who work in Census Tract #47. This Participation Agreement between the applicant and the Joshua Group is a part of the record and is incorporated herein by reference; and
- j. Thus, the applicant partnership has agreed to provide that a total of 30 percent of all cash flow that would otherwise have gone to the

partners, will now go to the two aforementioned non-profit neighborhood groups.

30. The project will create significant employment opportunities for workers at many levels. The applicant will participate in the District's First Source Employment Program to fill entry-level positions. An executed copy of a First Source Agreement is marked as Exhibit No. 28 (Tab G) of the record. In addition, the applicant has entered into a Memorandum of Understanding with the Minority Business Opportunity Commission, committing itself to use best efforts to target up to 35 percent of the contracts both during construction and after completion for minorities. An executed copy of the Memorandum of Understanding is marked as Exhibit No. 28 (Tab F) of the record.
31. The proposed development will not impose any adverse traffic impact on the street network. The development will not create objectionable conditions for access and circulation, parking, or loading. The site is well located relative to public transportation facilities.
32. The proposed project will provide parking spaces for approximately 123, 281 and 210 cars. These spaces are sufficient to meet the parking requirements of the Zoning Regulations.
33. The applicant has agreed to participate in the regional ride-sharing program through "DC Ride". On-site activities for this program will be established as a responsibility of the staff of the management office for the building. These activities will include distributing ride-sharing information to all building tenants, acting in accordance with DC Ride and, in general, encouraging and facilitating ride-share activities. In addition, management will take full advantage of the proximity of the Council of Governments to be located across North Capitol Street.
34. The applicant indicated that the PUD process is the appropriate mechanism for regulating development of the site. Approval of the PUD and rezoning will achieve the goals of the PUD process of promoting sound project planning, efficient and economical use of land, attractive urban design, and provision of public benefits.
35. The District of Columbia Office of Planning (OP), by memorandum dated September 14, 1990 and by testimony presented at the public hearing, recommended that the application be approved. OP stated the following:

"The applicant is requesting approval of this PUD with related map amendment to C-3-C. This zoning reflects the development trends in the area. The existing zoning is no longer appropriate. Recognizing this, the Zoning Commission has recently approved rezoning to C-3-C for a number of projects including a project (800 North Capitol Street) immediately next to the subject site. We note that the proposed project in this case would replace a severely deteriorated building with an architecturally significant complex of buildings which go a long way toward returning that part of the city to respectability and reuse, and setting a high standard for future architectural and economic development on both sides of North Capitol Street.

The proposed amenities package contains an extremely strong educational and design component to complement the existing Gonzaga College High School. From the Day Care Center, Nursery School, Tutoring Facility through the Minority Educational Foundation to the UDC School of Law facility, the potential positive impact on minority education in the city would likely be enormous."

36. The District of Columbia Department of Public Works (DPW), by memorandum dated September 14, 1990 and by testimony presented at the public hearing, supported the proposal and indicated the following:

- a. That the project would not adversely affect the local street system;
- b. That the project has good access to public transportation facilities and services;
- c. That the revised parking and loading plan dated September 13, 1990 is acceptable; and
- d. That the water supply service to the project is adequate but that the sewer capacity may be of concern.

DPW concluded that the applicant should coordinate with the agency to resolve all outstanding concerns.

37. The District of Columbia Fire Department, by memorandum dated July 2, 1990, had no objections to the application.

38. The District of Columbia Metropolitan Police Department, by letter dated August 23, 1990 had no objections to the PUD and map amendment application.

39. Advisory Neighborhood Commission (ANC) 2C, by letter dated September 24, 1990, supported the application, and the applicant's agreements with the Joshua Group and H Street Community Development Corporation, and with the Board of Directors of Minority Educational Foundation.
40. The North Capitol Neighborhood Development, Inc., party in the proceedings, by testimony presented at the public hearing supported the application.
41. The Sursum Corda Cooperative Association, party in the proceedings, by testimony at the public hearing, supported the application.
42. Saint Aloysius Church, party in the proceedings, by testimony presented at the public hearing supported the application.
43. The Center City Community Corporation, by testimony presented at the public hearing supported the application.
44. Single Member District Commissioner (ANC-2C12), by letter dated September 5, 1990 and by testimony presented at the public hearing, supported the application.
45. Letters in support of the application were received from the Chairman of the Board of Directors of Gonzaga College High School, and from the Bishop of the Bibleway Church of Our Lord Jesus Christ.
46. No parties or persons opposed the application.
47. The Commission concurs with the applicant and finds that the project is appropriate for the site, and that the design, height, density, and scale are compatible with the neighborhood.
48. The Commission concurs with the position and/or recommendation of OP, DPW, DCFD, MPD, and ANC-2C.
49. The Commission further concurs with the position of North Capitol Neighborhood Development, Sursum Corda Co-op Association, St. Aloysius Church, and the Center City Community Corp., and finds that the applicant has met and satisfied the intent and purpose of Chapter 24 of the Zoning Regulations.
50. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and

Governmental Reorganization Act. The NCPC, by report dated December 6, 1990, indicated that the PUD would not adversely affect the Federal Establishment or other Federal Interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital, provided that the penthouse walls match the finished facade materials.

51. On December 17, 1990, at its regularly scheduled monthly meeting, the Zoning Commission concurred with the concerns of NCPC.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the neighborhood and the District of Columbia.
2. The development of the project carries out the purposes of Chapter 24 of the Zoning Regulations 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 the project is compatible with District-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. The approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.
5. The approval of the application is consistent with the purposes of the Zoning Act and the Zoning Map of the District of Columbia.
6. 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.
7. The proposed action can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.
8. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, as amended.

DECISION

In consideration of the foregoing Findings of Fact and Conclusions of Law, the Zoning Commission for the District

of Columbia hereby orders APPROVAL of a Planned Unit Development and Zoning Map Amendment from R-4 and C-2-A to C-3-C, for Lot 188 in Square 623, located on the northeast corner at the intersection of New Jersey and H Street, N.W. The approval of the PUD and Zoning Map Amendment is subject to the following guidelines, conditions, and standards,

1. The PUD shall be developed in accordance with the architectural plans of Hartman-Cox Architects, marked as Exhibits No. 7, 28 and 58 of the record, and the guidelines, conditions, and standards of this order.
2. The site shall be developed with three office buildings and a Day Care Center-Nursery School-Tutoring Facility. The office buildings shall include a mixture of general office and retail uses as permitted in the C-3-C Zone District.
3. The floor area ratio (FAR) for the total project, the three office buildings, and the Day Care Centery-Nursery School-Tutoring Facility on the site shall not exceed 7.0. Office buildings A, B, and C shall have maximum gross floor areas, respectively, of 221,050, 519,520, and 382,320 square feet. Each building shall have a penthouse of approximately 15,000 square feet. The applicant shall provide not less than 8,000 square feet of retail gross floor area (GFA) on the first floor of Building C, and not less than 18,000 square feet of retail GFA on the first floor of Building B. The retail space shall front on H Street or New Jersey Avenue.
4. The height of buildings A, B, and C shall not exceed 87, 108, and 121 feet, respectively, excluding the penthouse. The height of the penthouse shall not exceed 18'6", nor shall the FAR of the penthouse exceed .37.
5. The lot occupancy shall not exceed 88%.
6. No rear yard shall be required for the project.
7. The three buildings A, B, and C shall include parking spaces for approximately 123, 281, and 210 vehicles, respectively, which spaces shall include full-size, compact, and handicapped spaces. Subject to the approval of the Department of Public Works, the applicant may use the vault space for parking.
8. The loading activity for the project shall be in accordance with the plans marked as Exhibit No. 58 of the record.

9. Landscaping shall be provided as shown on Exhibit No. 58 of the record.
10. The change of zoning from R-4 and C-2-A to C-3-C shall be effective upon recordation of the covenant as required by 11 DCMR 2407.3.
11. Loading areas, driveways, and walkways shall be located on the site, as shown on the drawing marked as Exhibit No. 58 of the record.
12. The exterior of the buildings shall be as shown on drawings marked as Exhibit No. 28A-C3 of the record. The penthouse walls shall match the finished facade material.
13. Exterior signage shall be limited to a sign band with letters no greater than 12 inches high, and in any style appropriate to the retail establishment. The letters will either be back-lighted or internally illuminated. Individual signage may also be provided by the retail tenants behind the storefront glass, but shall not occupy greater than 25% of the storefront glazed area.
14. The applicant is granted flexibility with respect to the following matters:
 - a. Alter the number of parking spaces by no more than five percent;
 - b. Build an additional level below grade that would either be occupied by the building's primary tenant or be used as shared conference facilities, computer rooms, storage, or similar facilities. This additional level will not alter parking, FAR, or height, nor the exterior appearance of the building;
 - c. Making minor adjustments in the facade window 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 frontages in order to accommodate the different type of retail uses;
 - d. Varying the location and design of any interior components, including partitions, structural slabs, doors, hallways, columns, stairways, location of elevators, and electrical and mechanical rooms, so long as the variations do not change the exterior configuration or appearance of the building, including the penthouse, and do not increase the height or size of the building; and

- e. The applicant shall be afforded the flexibility provided by 11 DCMP 2407.6.
15. The Applicant shall provide its amenities package as follows:
- a. The applicant shall comply with all provisions of the Participation Agreement between the H Street Community Development Corporation and the applicant, a copy of which is Exhibit No. 64 of the record, and is incorporated herein by reference;
 - b. The applicant shall comply with all provisions of the Participation Agreement between the Joshua Group and the applicant, a copy of which is Exhibit No. 65 of the record, and is incorporated herein by reference;
 - c. Before the issuance of a building permit, the applicant shall establish the Minority Educational Foundation as a non-profit District of Columbia entity, and provide funding to the Foundation of \$2 million dollars, plus \$30 per each square foot of GFA that is generated by the amount of FAR approved by the Zoning Commission over 6.5 FAR; the Foundation shall use those funds to operate, control, and carry out all activities in and out of the Day Care Center-Nursery School-Tutoring Facility, exclusively for those children whose parents reside or work in Census Tract #47; the Foundation shall provide space free of charge in the Day Care Center building for a meeting facility for neighborhood senior citizens; the Foundation is to provide funding for tutorial services, provided directly by the Educational Facility or by third party groups such as the Higher Achievement Program (HAP) to be provided children of parents that reside or work in Census Tract #47;
 - d. The applicant shall construct at its expense a Day Care Center-Nursery School-Tutoring Facility costing not less than \$1 million dollars; the Day Care Center shall be equipped with age-appropriate furniture and playground equipment; construction of this facility shall be completed before the issuance of a Certificate of Occupancy for the first office building;
 - e. The applicant shall provide assurances for retail uses as provided in its Participation Agreement with the Joshua Group;

- f. For so long as the PUD remains, the applicant shall comply with the terms of its commitments in the Participation Agreements that are referenced in Paragraphs (a) and (b) of this condition; and
 - g. The Participation Agreements that are referenced in Paragraphs (a) and (b) of this condition shall not be amended, unless the proposed amendment has been submitted to the Zoning Commission for review and been approved by the Zoning Commission. The Zoning Commission reserves the discretion to determine the proceedings by which it will review proposed amendments. The Commission retains limited jurisdiction over this case for the purpose of reviewing any such proposed amendments.
16. The applicant shall comply with the terms of the Memorandum of Understanding (Exhibit 28A, Tab F), dated July 20, 1990, which applicant has entered into with the Minority Business Opportunity Commission, which provides that the Applicant will make a bona-fide effort to award at least 35% of the construction-related contracts for the project to Certified Minority Business Enterprises.
17. By the 1st of April each year, the applicant shall provide the Zoning Regulations Division of DCRA a letter that states the partnership distribution, if any, made to each, the H Street Community Development Corporation, and the Joshua Group.
18. The applicant shall file with the Zoning Commission a copy of an annual report from the H Street Community Development Corporation and the Joshua Group. The following shall apply:
- a. The report shall be filed no later than March 31st of each year beginning in 1992;
 - b. The report shall be filed annually for the life of the partnership agreement between the applicant, and the H Street Community Development Corporation and the Joshua Group; and
 - c. The report shall identify the status (including goals, objectives and accomplishments) of all programs that are the result of each organization's equity participation in the PUD project.
19. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within that time, an application must be filed for a building permit for Building A and the Day Care Center-Nursery School-Tutoring Facility as

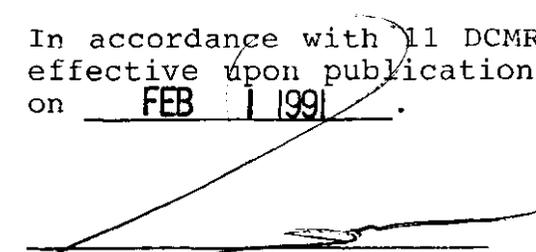
specified in 11 DCMR 2407.2 and 2407.3. Construction shall start within three years of the effective date of this order. The applicant shall then have an additional two (2) years to apply for building permits for the second and third office buildings. Construction for Buildings B and C shall start within six years of the effective date of this order.

20. No building permit shall be issued for the PUD until the applicant has 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 the Corporation Counsel and the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (DCRA), which covenant shall bind the applicant and successors in title to construct on and use this property in accordance with this order or any amendments thereto.
21. The Zoning Secretariat shall not release the record of this case to the Zoning Regulations Division of DCRA until the applicant has filed a certified copy of said covenant in the records of the Zoning Commission.
22. Pursuant to D.C. Code Section 1-2531 (1987), Section 267, of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, 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 Regulation Division/DCRA to approve permits if the applicant fails to comply with any provision of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at the public meeting on October 15, 1990: 3-2 (Maybelle Taylor Bennett, Lloyd D. Smith and William L. Ensign to approve as amended with conditions - Tersh Boasberg and John G. Parsons, opposed).

This order was adopted by the Zoning Commission at its public meeting on December 17, 1990 by a vote of 3-2 (Maybelle Taylor Bennett, Lloyd D. Smith, and William L. Ensign, to adopt as amended - Tersh Boasberg and John G. Parsons, opposed).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on FEB 1 1991.


TERSH BOASBERG
Chairman
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat