

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 690-B  
Case No. 91-14F/89-20C  
(PUD @ 2225 N Street, N.W. - IBG)  
May 11, 1992

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on March 12, 1992. At the hearing, the Zoning Commission considered an application from Citistate/IBG No. 1 General Partnership for second-stage (final) approval of a planned unit development (PUD) pursuant to the provisions of chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with provisions of 11 DCMR 3022.

### FINDINGS OF FACT

1. The application, which was filed on August 13, 1991, requested final approval of a planned unit development (PUD) for Lot 4 in Square 49 located at 2225 N Street, N.W. (formerly known as 1325 23rd Street, N.W.).
2. By Z.C. Order No. 690 dated May 13, 1991 and 690-A dated September 10, 1991, the Commission granted final approval of Phase I of the PUD for lots 36 and 43 (formerly lots 18-21, 24, 27, 42, 812 and 813) at premises 2201 N Street, N.W. The Commission also granted first-stage (preliminary) review and approval of Phase II of the PUD for Lot 4 in Square 49 at premises 2225 N Street, N.W. The Commission also approved rezoning from R-5-B to R-5-D for the entire site (Phase I and II lots 4, 36, and 43).
3. This application is for the restoration and renovation of the historic Wardman apartment building at 2225 N Street, N.W. into an apartment building with a minimum of 31 units, and for construction of a one-story addition thereto.
4. The site of Phase II is in the southwest portion of Square 49, which is bounded by O Street to the north, 23rd Street, N.W. to the west, 22nd Street to the east and N Street to the south. The site is in the northwest quadrant of the city, located on the far western boundary of the Dupont Circle area and at the northern boundary of

the West End area.

5. The surrounding area is characterized by a mix of residential, commercial and recreational land uses. Squares to the southwest of the subject site are zoned CR and are occupied by office buildings and hotels. On the west side of 23rd Street, facing the subject site, is a new apartment building approved as a PUD by the Zoning Commission (Z.C. Case No. 87-18M/86-1C).
6. The applicant, by its prehearing submission dated December 16, 1991 and through testimony presented at the public hearing, stated that it intends to restore the landmark Wardman building into an apartment building with a minimum of 31 units, containing a total of 32,374 square feet of gross floor area. The proposed development plan has been reviewed and approved by the Historic Preservation Review Board.
7. At the hearing, the applicant requested permission to file a "Notice of Modification" of Z.C. Order No. 690 in the land records with a copy of the most recent Commission order approving the second-stage application for Phase II in lieu of recording an entirely new covenant.
8. The District of Columbia Office of Planning (OP), by report dated February 27, 1992, and by testimony presented at the public hearing, recommended that the application for second-stage approval be granted. The OP report reviewed all of the conditions in Z.C. Order No. 690 related to second-stage approval of the PUD and determined that the applicant had met all of the conditions.
9. The staff of the District of Columbia Historic Preservation Review Board (HPRB), by transmittal letter dated December 19, 1991, noted that the plans for Phase II of the PUD at 2225 N Street had been approved.
10. The District of Columbia Metropolitan Police Department (MPD), by report dated January 16, 1992, stated that the request will not generate an increase in the level of police service currently provided and therefore, is not opposed to the application.
11. The District of Columbia Department of Consumer and Regulatory Affairs (DCRA), by report dated January 17, 1992, reminded the Commission and the applicant that the structure was historic and must meet approval of the

Historic Preservation Division.

12. The District of Columbia Public Schools (DCPS), by report dated January 16, 1992, expressed no opposition to the application, and further stated that should the project be approved, it is requested that the public schools be notified of the progress of construction and eventual occupancy of the residential units in order to plan for any anticipated enrollment increase.
13. The District of Columbia Department of Housing and Community Development (DHCD), by report dated February 25, 1992, stated that it had an opportunity to review the revised plans for both phases of the PUD and is satisfied with the decision reached in Z.C. Order No. 690 (Case No. 89-20C), authorizing consolidated PUD approval for Phase I and first-stage approval for Phase II. DHCD further stated that the order alleviates earlier concerns expressed regarding the project's overall density, vehicular ingress and egress, and massing.
14. The District of Columbia Department of Recreation and Parks (DORP), by report dated February 11, 1992, noted that the restoration of the Wardman building should have little impact on the Department's recreational programs and nearby facilities.
15. The District of Columbia Department of Public Works (DPW), by report dated February 19, 1992, stated that the traffic generated by the project will not adversely impact the transportation system and facilities in the area. The report noted that DPW had no objection to the relocation of the garage entrance from 22nd Street to N Street. DPW noted that the 34-foot driveway access to the parking and loading exceeded the 25-foot width provided for in the Zoning Regulations. Finally, DPW noted that the applicant must coordinate all design, construction and streetscape elements within public space with DPW and assume their costs.
16. Advisory Neighborhood Commission (ANC) 2B, by testimony at the hearing, supported the application.
17. By letter dated December 18, 1991 and by testimony at the hearing, the West Dupont Action Coalition (WEDAC) supported the application.
18. The Commission concurs with the recommendations and/or positions of OP, HPRB, MPD, DCRA, DCPS, DCHD, DORP, DPW,

ANC-2B, the applicant and WEDAC, and believes that this application meets the standards for second-stage approval.

19. The Zoning Commission believes that approval of the second-stage application for Phase II is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.
20. The proposed action of the Zoning Commission to grant second-stage approval to Phase II of the PUD under Z.C. Order No. 690 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 April 30, 1992 found that the proposed Phase II of the PUD would not adversely affect the Federal establishment or other Federal interest in the National Capitol, nor be inconsistent with the Comprehensive Plan for the National Capitol.
21. The Commission finds that the applicant has satisfied the intent and purpose of chapter 24 of DCMR, Title 11, Zoning.

#### CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling the development of the subject site, because control of the use of the site is essential to assure compatibility with the neighborhood and achieve the goals and policies of the District.
2. The development of the PUD, as modified, carries out the purposes of 11 DCMR 2400 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 development.
3. The development of this PUD, as modified, is compatible with city-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, as amended, and the purposes of the Zoning Act.

5. The application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and assure neighborhood stability.
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 text of the Zoning Regulations and the Zoning Map.
7. The Zoning Commission has accorded ANC 2B the "great weight" consideration to which it is entitled.
8. 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 set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the second-stage (final) application for Phase II of the planned unit development for Lot 4 in Square 49 located at 2225 N Street, N.W. (formerly known as 1325 23rd Street, N.W.). This PUD approval is subject to the following guidelines, conditions, and standards:

1. The second-stage (final) planned unit development for Lot 4 in Square 49 shall be developed in accordance with the architectural drawings prepared by Dewberry and Davis/Habib Architects, and marked as Exhibit No. 16-C of the record of this case (also known as Exhibit No. 169-B in Case No. 89-20C), as modified by the guidelines, conditions and standards of this order.
2. Pursuant to Z.C. Order Nos. 690 and 690-A, the PUD project shall be developed in two phases. Phase I shall be developed with residential uses, and may include some noncommercial, nonresidential uses, as provided in Condition No. 4 of Z.C. Order No. 690. Phase II, the subject of this order, shall be developed with residential uses to be located in the landmark Wardman Building.
3. The applicant shall restore, renovate and construct a one-story addition to the Wardman Building in accordance with this final PUD approval and that of the Historic Preservation Review Board.
4. Phase II of this PUD shall be redeveloped into a minimum of 31 apartment units. The applicant shall redevelop no fewer than 19 one-bedroom units, nine one-bedroom and den units, and

three two-bedroom units.

5. Phase II of this PUD shall have a total of 32,374 square feet of gross floor area.
6. The parking requirements for Phase II shall be in accordance with the parking requirements of Z.C. Order No. 690.
7. The applicant shall provide the following amenities:
  - a. Completely restore 2225 N Street, N.W., in accordance with requirements of the the D.C. Historic Preservation Review Board;
  - b. Provide streetscape improvements including the planting of mature trees along N Street;
  - c. Improvement and maintenance of the public space and Lot 36 immediately north of the subject site in accordance with Exhibit No. 138-B (tab m) of Case No. 89-20C, and in agreement with the National Park Service;
  - d. The applicant shall implement an agreement with the District of Columbia Department of Employment services to participate in the District's First Source Employment Program to provide minority contractors and subcontractors jobs in conjunction with the construction of the PUD project; and
  - e. The applicant shall implement a memorandum of understanding with the Minority Business Opportunity Commission which provides for the applicant to make a bona fide effort toward providing at least thirty-five percent (35%) of the construction related contracts for the project to certified minority business enterprises.
8. The applicant is granted flexibility in the final detailing of the building with respect to the following matters;
  - a. Final material and color selection will be based on field mock-up panels, samples and materials availability;
  - b. Minor refinements to exterior details and dimensions which include materials, belt courses, sills, bases, cornices, railings and trim;
  - c. Minor refinements to final quantity and size of windows, emergency egress stores and ventilation grills in order to coordinate with the newly adopted D.C. Building Code; and

- d. Final location and design of all 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 of the building including the penthouse.
9. No building permit shall be issued for Phase II of the project until the applicant has recorded a "Notice of Modification" of Z.C. Order Nos. 690 and 690-A in the land records of the District of Columbia. That Notice of Modification shall include a copy of Z.C. Order Nos. 690, 690-A, and 690-B that the Director of the Office of Zoning has certified as true copies. Said Notice of Modification shall also bind the applicant and successors in title to construct on and use this PUD site in accordance with the order in this case or any amendments thereof.
10. After recordation of said Notice of Modification, the applicant shall immediately file a certified copy of the Notice of Modification with the Office of Zoning for the records of the Zoning Commission.
11. The Office of Zoning shall not release the record of this case to the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA) until the applicant has satisfied Condition Nos. 9 and 10 of this order.
12. This final PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of the order in this case. Within such time, application must be filed for a building permit as specified in 11 DCMR 2407.1. Construction shall start within three years of the effective date of the order in this case.
13. Pursuant to D.C. Code Sec. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply 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 Division/DCRA to approve permits, if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

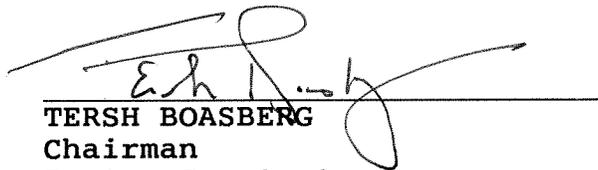
Vote of the Zoning Commission taken at the public hearing on March 12, 1992: 3-0 (Maybelle Taylor Bennett, John G. Parsons and Tersh Boasberg, to approve with conditions - William L. Ensign and Lloyd D. Smith, not present, not voting).

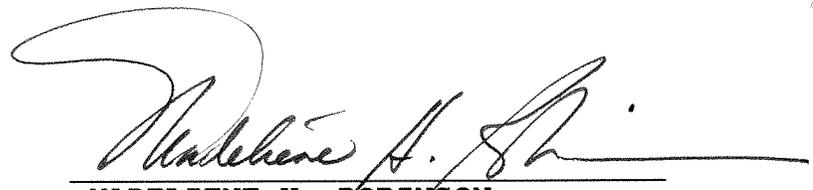
Z.C. ORDER NO. 690-B  
CASE NO. 91-14F/89-20C  
PAGE NO. 8

This order was adopted by the Zoning Commission at the public meeting on May 11, 1992 by a vote of 3-0: (John G. Parsons, Maybelle Taylor Bennett and Tersh Boasberg, to adopt as corrected - William L. Ensign, not voting, not having participated in the case and Lloyd D. Smith, not present, not voting).

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

JUN 05 1992

  
\_\_\_\_\_  
TERSHER BOASBERG  
Chairman  
Zoning Commission

  
\_\_\_\_\_  
MADELIENE H. ROBINSON  
Acting Director  
Office of Zoning

zco690b/LJP