VIA IZIS AND HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: Request for Modification of Consequence to Planned Unit Development
Z.C. Case No. 08-11C/Z.C. Order Nos. 339 and 348
2000 Pennsylvania Avenue, N.W. (Square 101, Lot 58)

Dear Members of the Commission:

On behalf of 91 TTPA LESSEE, LLC (the “Applicant”), we submit this application for a Modification of Consequence to the above-referenced planned unit development (“PUD”), approved pursuant to Z.C. Order No. 339, as modified by Z.C. Order No. 348, for property located at 2000 Pennsylvania Avenue, N.W. (Square 101, Lot 58) (the “PUD Site” or “Site”). As described below, the Modification of Consequence is requested to modernize and upgrade portions the building’s façade, modernize and upgrade the building’s entrances, reconfigure interior space, and reconfigure the loading dock.

This application is submitted pursuant to Subtitle Z § 703 of the 2016 Zoning Regulations (“11 DCMR”), which allows the Zoning Commission to approve Modifications of Consequence without a public hearing. The application is properly reviewed as a Modification of Consequence because it involves (i) the redesign of architectural elements and open spaces from the final design approved by the Zoning Commission in Z.C. Order No. 339, as modified by Z.C. Order No. 348; and (ii) modifications to the text of the conditions related to the project’s final design in Z.C. Order Nos. 339 and 348.¹

¹ Pursuant to 11-Z DCMR § 703.4, “[e]xamples of modification of consequence include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission” (emphasis added).
Enclosed is Application Form 105 (Exhibit A) and a check in the amount of $520.00 for the required filing fee. Also enclosed are the authorization letters from the Applicant and the Property Owner authorizing Holland & Knight LLP to file and process this application (Exhibit B).

A. **The PUD Site**

The PUD Site fronts on 20th Street, 21st Street, I Street, and Pennsylvania Avenue all in the northwest quadrant of the District of Columbia. According to the records of the Office of Tax and Revenue, the Site has a land area of approximately 59,988 square feet. The Site is improved with a mixed-use building consisting of several three-story historic and non-historic rowhouses along I Street and a ten-story tower south of the rowhouses. Retail and service uses are located on the lower levels of the existing building, with office use on the upper stories.

The Site is also located within the boundaries of the GWU Campus Plan and the George Washington University/Old West End Historic District. According the DC Inventory of Historic Sites, portions of the facades along I Street and 20th Street are a Historic Landmark known as the “Red Lion Row” and subject to the protections of the District Historic Preservation Law. However, the facades of 2010-2016 I Street, 2020 I Street, and 2036-2038 I Street are not part of the Historic Landmark and are noncontributing buildings to the historic district. See Historic District Nomination, pgs. 7-11. A copy of the pertinent pages of the Historic District Nomination are attached as Exhibit C.

B. **Prior Zoning Commission Approvals**

Pursuant to Z.C. Order No. 339, dated April 9, 1981, final and effective May 1, 1981, the Zoning Commission approved a PUD with a related Zoning Map amendment to the C-3-C zone district (Z.C. Case No. 08-11C), which is equivalent to the MU-9 zone district under the current Zoning Regulations. Please note that approximately 6,280 square feet of the Site known as the “common service area” was not rezoned to the C-3-C zone district. Zoning Commission Order No. 339 approved the PUD to have 419,730 square feet of gross floor area (7.0 FAR). Pursuant to Zoning Commission Order No. 348, dated August 13, 1981, final and effective May 1, 1981, the Zoning Commission approved a modification to the PUD to reduce the height and make design changes that came out of the historic preservation review process. Zoning Commission Order Nos. 339 is attached as Exhibit D and Z.C. Order No. 348 is attached as Exhibit E.

The Site and the existing building are subject to the conditions of the Order, including consistency with the height and density, as well as the plans approved for the PUD. The PUD includes a broad range of permitted uses, but also requires that a minimum of 33,000 square feet be devoted to retail or service uses. See Conditions 4 and 5 of Order No. 339. The conditions of Order No. 339 also include specific design elements such as the exterior materials (Condition 11), the design of the “Galleria” and internal pedestrian circulation space (Condition 14), building entrance locations (conditions 9 and 12), and landscaping of all “public and private spaces” (Condition 10).

The Site is also located within the boundaries of the GWU Campus Plan and thus the use, height, and density must be consistent with the campus plan. The attached campus plan map (Exhibit F) approved in Z.C. Case Order No. 06-11 identifies the height of the building as 108 feet,
which is slightly less than the height approved in Z.C Order No. 348. Moreover, the Site is identified as “commercial/retail/investment.” The Applicant does not propose to change the height of the building or the proposed uses. Thus, the proposed renovations are consistent with the GWU Campus Plan.

C. Requested Modification of Consequence

As shown on the existing and proposed architectural drawings (Exhibit G) (the “Plans”), the Applicant requests approval to modify the drawings approved in Z.C. Order No. 339, as modified by Z.C. Order No. 348, by upgrading and modernizing portions the building’s façade, upgrading the building’s entrances, constructing a new entrance on 21st Street, reconfiguring the interior space, and reconfiguring the loading dock.

At the ground level, as shown on Sheets A17-A25 of the Plans, the Applicant proposes to revise the concourse level, which opens on to the lower level. The renovations include new flooring material and, as shown on Sheet 25 the Plans. In addition, the Applicant intends to convert a portion of the existing loading dock to retail space and a restroom area consistent with the “Galleria” approved in Conditions 5 and 11 of Z.C Order No. 339, which required a minimum of 33,000 square feet devoted to retail and/or service uses. After renovation the building will include at least 33,000 square feet devoted to retail and/or service uses. Moreover, the proposed revisions to the concourse level are consistent with Condition 14 of Z.C. Order No. 339, since the pedestrian circulation space will be maintained, and in fact improved. The renovations to the ground level and “Galleria” will not result in an increase in gross floor area over the 419,736 square feet as previously approved by the Zoning Commission.

As stated in Findings of Fact No. 5, the approved loading dock provided “enough area to allow full length trucks to have complete on-site maneuverability.” As shown on Sheet 19 of the Plans, the Applicant is proposing three loading berths at 12’ x 30’, three loading platforms at 100 square feet, and one service/delivery space as 10’ x 20’, which is consistent with the requirements of the Zoning Regulations of 2016 (“ZR16”). See 11-C DCMR §§ 901.1 and 902.2. Thus, while the Applicant is proposing to decrease the size of the loading, there is sufficient loading to service the building under ZR16.

The Applicant proposes to locate the service/delivery space in the existing commercial loading zoning on I Street, N.W. adjacent to the Site. As a result, the Applicant requests flexibility from the requirements of 11-C DCMR § 903.1. Although the Applicant requests additional flexibility from the Zoning Regulations, the Zoning Commission has previously determined that a request for additional flexibility can be approved as a modification of consequence without the need for a hearing if there are “no issues or concerns that would benefit from a public hearing.” See Z.C. Order No. 15-18B, Conclusions of Law No. 3., a copy of which is attached as Exhibit H. Since the Applicant is providing loading that is sufficient to service the building and consistent with the requirements of ZR16, and since the existing commercial loading zone is only utilized by the tenants of the existing building on the Site, there are no issues or concerns that would benefit from a public hearing.

The Applicant is also proposing revisions to the exterior of the building, including the landscaping. Specifically, as shown on Sheets A2-A3 of the Plans, the Applicant is proposing to
modify the exterior townhouse paint colors. The proposed colors have been reviewed by with the Historic Preservation Office (“HPO”) staff. As shown on Sheet A21 of the Plans, the upgraded building entrances will be located as follows: (i) three entrances along I Street; (ii) one entrance along 20th Street; and (iii) one new entrance along 21st Street. The upgraded and modernized entrances will provide for more efficient circulation throughout the building and the “Galleria”, consistent with Condition 14 of Z.C. Order No. 339. On the 10th floor, the Applicant proposes to revise the façade in order to accommodate a folding door system for the terrace, as shown on Sheets A15-A16 of the Plans. With regarding to the landscaping, the Applicant proposes new planters and landscaping around the entrances, as shown on Sheet A4-A13 of the Plans. All of these refinements to the building and landscaping have been discussed with, and have the support of, HPO staff.

Based on the foregoing, the Applicant proposes to modify the language of Decision Nos. 9, 10, 12, and 14 of Z.C. Order No. 339. Decision Nos. 9, 10, 12, and 14 state the following in relevant part:

9. The location of all entrances, parking areas, and loading areas shall be as shown on the plans submitted to the record, dated January 26, 1981 and marked as Exhibit 66 of the record.

10. Landscaping of the public and private spaces shall be as shown on Drawings 1-2 and 203 of Exhibit No. 66 of the record.

12. The building entrances shall be constructed as shown on Sheets A5, A7, A9, A11, and A13 of Exhibit No. ___ of the record.

14. The design of the “Galleria” and internal pedestrian circulation space shall be as shown on Exhibit No. 66 of the record.

The Applicant seeks approval to modify this language to the following:

9. The location of all entrances, parking areas, and loading areas shall be as shown on the plans submitted to the record, dated January 29, 2019, and marked as Exhibit No. ___ of the record.

10. Landscaping of the public and private spaces shall be as shown on the plans submitted to the record, dated January 29, 2019, and marked as Exhibit No. ___ of the record.

12. The building entrances shall be constructed as shown on Sheets A5, A7, A9, A11, and A13 of Exhibit No. ___ of the record.

14. The design of the “Galleria” and internal pedestrian circulation space shall be as shown on Exhibit No. ___ of the record.

The Applicant also proposes to modify the language of Decision No. 1 of Z.C. Order No. 348, which states the following in relevant part:
1. The Planned Unit Development shall be developed in accordance with the plans dated June 24, 1981, prepared by Hellmuth, Obata and Kassabaum/John Carl Warnecke, Joint Venture Architects and marked as Exhibit No. 127 of the record. Such plans may be modified to conform to the guidelines, standards and conditions of this Order.

The Applicant seeks approval to modify this language to the following:

1. The Planned Unit Development shall be developed in accordance with the plans dated June 24, 1981, prepared by Hellmuth, Obata and Kassabaum/John Carl Warnecke, Joint Venture Architects and marked as Exhibit No. 127 of the record, except as modified by the terms and conditions of this Order and the plans dated January 29, 2019, prepared by Gensler and marked as Exhibit No. __ of the record. Such plans may be modified to conform to the guidelines, standards and conditions of this Order. The Applicant shall have minor flexibility to modify the design and signage, as necessary to respond to comments by HPO staff.

2. The Applicant shall have flexibility to locate its service/delivery space on I Street, N.W. in the existing commercial loading zoning adjacent to the Site, as shown on Sheet A19 of the plans submitted to the record, dated January 29, 2019, and marked as Exhibit No. __ of the record.

The requested modifications shown on the Plans and the associated changes to the conditions of Z.C. Order Nos. 339 and 348 are consistent with the original intent of the Zoning Commission in approving the PUD since the modifications are simply an update the nearly 40 year-old building to bring it up to modern retail and office building standards. The modifications can therefore be approved without a public hearing because they solely seek to change conditions in the final order and to redesign/relocate architectural elements and open spaces from the final design approved by the Commission, which is fully consistent with 11-Z DCMR § 703.4.

D. **Service on Affected Advisory Neighborhood Commission ("ANC")**

Pursuant to 11-Z DCMR § 703.13, the Applicant is required to formally serve a copy of the subject application on all parties to the original proceeding, including ANC 2A, at the same time that the request is filed with the Office of Zoning. Other than ANC 2A, the parties to the original proceeding were the Foggy Bottom Association, Don’t Tear It Down, Inc., and Mr. Theodore Scheve. As noted in the Certificate of Service attached hereto, the subject application was served on ANC 2A, the DC Preservation League, and the Foggy Bottom Association at the same time that it was filed with the Zoning Commission. The Applicant will continue to work with the ANC and community stakeholders throughout the PUD modification application process.

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2 Don’t Tear It Down, Inc. no longer exists. In the 1980’s its Board of Directors renamed the organization the DC Preservation League.

3 After an online search it appears that Mr. Theodore Scheve passed away approximately 11 years ago. As a result, this application was not served on Mr. Scheve.
On January 16, 2019, at its regularly scheduled duly noticed public meeting, ANC 2A voted unanimously to support this Modification of Consequence application, so long as the drawings filed with the Zoning Commission are the same as reviewed by the ANC.

E. Conclusion

The Applicant respectfully requests approval of this Modification of Consequence to modify the Approved Plans and the associated language in Z.C. Order Nos. 339 and 348. The request is consistent with the intent of the Zoning Commission in approving the original application; accordingly, approval of the Modification of Consequence is appropriate.

Respectfully submitted,

HOLLAND & KNIGHT LLP

_____________________
Norman. M. Glasgow, Jr.
Joseph O. Gaon

Enclosures

cc: Jennifer Steingasser, D.C. Office of Planning (See Certificate of Service)
    Joel Lawson, D.C. Office of Planning (w/enclosures, via Email & Hand Delivery)
    Anna Chamberlin, DDOT (w/enclosures, via Email)
    Advisory Neighborhood Commission 2A (See Certificate of Service)
    Foggy Bottom Association (See Certificate of Service)
    DC Preservation League (See Certificate of Service)
CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2019 a copy of the foregoing application for a Modification of Consequence for the approved PUD at 2000 Pennsylvania Avenue, N.W. (Square 101, Lot 58) was served by email, with hard copies sent on February 25, 2019.

Jennifer Steingasser
D.C. Office of Planning
1100 4th Street, SW – Suite 650E
Washington, DC 20024

Advisory Neighborhood Commission 2A
C/o West End Library
2301 L Street NW
Washington, DC 20037

Foggy Bottom Association
P.O. Box 58087
Washington, DC 20037

DC Preservation League
1221 Connecticut Avenue, NW, Suite 5A
Washington, DC 20036

Joseph O. Gaon
Holland & Knight LLP
BEFORE THE ZONING COMMISSION
OF THE DISTRICT OF COLUMBIA

FORM 105 – APPLICATION FOR MINOR MODIFICATION, MODIFICATION OF CONSEQUENCE OR TECHNICAL CORRECTION

In accordance with the provisions of Subtitle Z, Chapter 7 - Zoning Regulations, request is hereby made for Minor Modification, Modification of Consequence, or Technical Correction as follows:

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<th>CASE NO.:</th>
<th>08-11C</th>
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<tr>
<td>Square No.(s)</td>
<td>101</td>
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<tr>
<td>Lot No.(s)</td>
<td>58</td>
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<td>ANC</td>
<td>2A</td>
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Address or boundary description of the premises: 2000 Pennsylvania Avenue, NW

Points and Authorities:

Below and/or on a separate sheet of 8 ½” x 11” paper, state each and every reason why the Zoning Commission (ZC) should grant your motion, including relevant references to the Zoning Regulations or Map.

See attached

CERTIFICATE OF SERVICE

I hereby certify that on this D 25 day of February Month , 2019, I served a copy of the forgoing motion or request to each Applicant, Petitioner, Appellant, Party, and the Office of Planning on

the above referenced ZC case via: ☐ Mailed letter ☐ Hand delivery ☐ E-Mail ☐ Other

Name: Joseph O. Gaon
Firm/Organization: Holland & Knight LLP
Date: February 22, 2019

To be notified of hearing and decision: (Applicant or Authorized Agent)

In the event an authorized agent files an application on behalf of the Applicant for the Minor Modification, a letter signed by the Applicant for the Minor Modification authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name: Norman M. Glasgow, Jr.
Address: 800 17th Street, NW-Suite 1100
Phone No.: (202) 419-2460
February 22, 2019

Zoning Commission of
The District of Columbia
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

Re: 91 TTPA LESSEE, LLC / Authorization Letter
Modification of Consequence
2000 Pennsylvania Avenue, NW (Square 101, Lot 58)

Dear Members of the Commission:

This letter serves as authorization for the law firm of Holland & Knight LLP to represent 91 TTPA LESSEE, LLC in the proceedings before the Zoning Commission relating to the Modification of Consequence application for the property. As set forth in Subtitle Z § 200.3 of the Zoning Regulations, this authorization includes the power to bind 91 TTPA LESSEE, LLC in the case before the Commission.

Sincerely,

91 TTPA LESSEE, LLC

By:

Name: Diego Rico
Title: Vice President
February 12, 2019

Zoning Commission for the District of Columbia
441 4th Street, N.W.
Suite 210S
Washington, D.C. 20001

Re: George Washington University/ Authorization Letter
Modification of Consequence
2000 Pennsylvania Avenue, NW (Square 101, Lot 58)

Dear Members of the Commission:

As owner of the property known as Lot 58 in Square 101 (the “Property”) in the District of Columbia, please accept this letter as official authorization to permit 91 TTPA LESSEE, LLC, to act on behalf of George Washington University, consistent with the Ground Lease between The George Washington University and 91 TTPA Lessee, LLC dated May 21, 2018, for all actions necessary with respect to pursuing approval from the DC Zoning Commission for the Modification of Consequence Application for the Property as submitted herein. This authorization shall also permit the 91 TTPA LESSEE, LLC to authorize legal counsel to represent it in all matters related to the aforementioned zoning process.

Sincerely,

GEORGE WASHINGTON UNIVERSITY

By: [Signature]

Name: Alicia O'Neil Knight
Title: Senior Associate Vice President for Operations
The George Washington University
## SQUARE 58

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The George Washington Historic District

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<tr>
<td>613 22nd Street</td>
<td>Bernina Glover House</td>
<td>1906</td>
<td>James H. Byram</td>
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<tr>
<td>615 22nd Street</td>
<td>Sherman Rowhouses</td>
<td>1890</td>
<td>W. E. Brown</td>
</tr>
<tr>
<td>617 22nd Street</td>
<td>Sherman Rowhouses</td>
<td>1890</td>
<td>W. E. Brown</td>
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<td>619 22nd Street</td>
<td>Sherman Rowhouses</td>
<td>1890</td>
<td>W. E. Brown</td>
</tr>
<tr>
<td>2109 F Street</td>
<td>Apartment Building</td>
<td>1919</td>
<td>Louis E. Sholtes</td>
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<tr>
<td>2115 F Street</td>
<td>Guthridge Apartments</td>
<td>1926</td>
<td>Stern &amp; Tomlinson</td>
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<tr>
<td>2121 F Street</td>
<td>Dr. Rayburn House</td>
<td>1884</td>
<td></td>
</tr>
<tr>
<td>2123 F Street</td>
<td>Dwelling</td>
<td>1860 ca</td>
<td></td>
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<tr>
<td>2147 F Street</td>
<td>Rowhouse</td>
<td>1897</td>
<td>A.B. Mullett &amp; Company</td>
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SQUARE 81

<table>
<thead>
<tr>
<th>Address</th>
<th>Building Name</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2140 F Street</td>
<td>Michael Moore House</td>
<td>1869 ca</td>
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</tr>
<tr>
<td>2142 F Street</td>
<td>Fristoe &amp; Simpson Houses</td>
<td>1890</td>
<td>George S. Cooper</td>
</tr>
<tr>
<td>2144 F Street</td>
<td>Fristoe &amp; Simpson Houses</td>
<td>1890</td>
<td>George S. Cooper</td>
</tr>
<tr>
<td>2146 F Street</td>
<td>Duplex</td>
<td>1897</td>
<td>Albert L. Harris</td>
</tr>
<tr>
<td>2148 F Street</td>
<td>Duplex</td>
<td>1897</td>
<td>Albert L. Harris</td>
</tr>
<tr>
<td>2150 F Street</td>
<td>Pfeil Rowhouses</td>
<td>1909</td>
<td>John C. Deichmann</td>
</tr>
<tr>
<td>2152 F Street</td>
<td>Pfeil Rowhouses</td>
<td>1909</td>
<td>John C. Deichmann</td>
</tr>
<tr>
<td>2154 F Street</td>
<td>Pfeil Rowhouses</td>
<td>1909</td>
<td>John C. Deichmann</td>
</tr>
<tr>
<td>2156 F Street</td>
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<td>1909</td>
<td>John C. Deichmann</td>
</tr>
<tr>
<td>515 22nd Street</td>
<td>Park Manor Apartments</td>
<td>1940</td>
<td>Raymond G. Moore</td>
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SQUARE 101

<table>
<thead>
<tr>
<th>Address</th>
<th>Building Name</th>
<th>Date Built</th>
<th>Architect</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021 H Street</td>
<td>August Foote House</td>
<td>1890</td>
<td>Albert B. Bibb</td>
</tr>
<tr>
<td>2000-2002 I Street</td>
<td>Red Lion Row</td>
<td>1868</td>
<td></td>
</tr>
<tr>
<td>2004 I Street</td>
<td>Red Lion Row</td>
<td>1868</td>
<td></td>
</tr>
<tr>
<td>2006 I Street</td>
<td>Red Lion Row</td>
<td>1845</td>
<td></td>
</tr>
<tr>
<td>2008 I Street</td>
<td>Red Lion Row</td>
<td>1896</td>
<td></td>
</tr>
<tr>
<td>2018 I Street</td>
<td>Red Lion Row</td>
<td>1880</td>
<td>Mr. Horstkamp</td>
</tr>
<tr>
<td>2022 I Street</td>
<td>Red Lion Row</td>
<td>1875 ca</td>
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</table>
# The George Washington Historic District

## Washington, D.C.

### Name of Property

<table>
<thead>
<tr>
<th>Address</th>
<th>Building Name</th>
<th>Date</th>
<th>Architect</th>
</tr>
</thead>
<tbody>
<tr>
<td>2024 I Street</td>
<td>Red Lion Row</td>
<td>1875 ca</td>
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<tr>
<td>2026 I Street</td>
<td>Red Lion Row</td>
<td>1875 ca</td>
<td></td>
</tr>
<tr>
<td>2030 I Street</td>
<td>Red Lion Row</td>
<td>1831</td>
<td></td>
</tr>
<tr>
<td>2032 I Street</td>
<td>Red Lion Row</td>
<td>1885</td>
<td>T.F. Schneider</td>
</tr>
<tr>
<td>2034 I Street</td>
<td>Red Lion Row</td>
<td>1885</td>
<td>T.F. Schneider</td>
</tr>
<tr>
<td>2040 I Street</td>
<td>Red Lion Row</td>
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<td>T.F. Schneider</td>
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<tr>
<td>2042 I Street</td>
<td>Red Lion Row</td>
<td>1879</td>
<td></td>
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<tr>
<td>812 20th Street</td>
<td>Union Methodist Rectory</td>
<td>1866</td>
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<tr>
<td>814 20th Street</td>
<td>Union Methodist Church</td>
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### SQUARE 102

#### Address

<table>
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<tr>
<th>Address</th>
<th>Building Name</th>
<th>Date</th>
<th>Architect</th>
</tr>
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<tbody>
<tr>
<td>2003 G Street</td>
<td>President’s House</td>
<td>1892</td>
<td>Victor Mindeleff</td>
</tr>
<tr>
<td>2013 G Street</td>
<td>Stuart Hall</td>
<td>1936</td>
<td>Weihle &amp; Barnes</td>
</tr>
<tr>
<td>2023 G Street</td>
<td>Lisner Hall</td>
<td>1939-1940</td>
<td>Waldron Faulkner</td>
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<tr>
<td>2029 G Street</td>
<td>Bell Hall</td>
<td>1935</td>
<td>Weihle &amp; Barnes</td>
</tr>
<tr>
<td>2033 G Street</td>
<td>Woodhull House</td>
<td>1855 ca</td>
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</tr>
<tr>
<td>2036 H Street</td>
<td>Samson Hall</td>
<td>1930</td>
<td>Norris I. Crandall</td>
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<tr>
<td>700 20th Street</td>
<td>President’s House</td>
<td>1892</td>
<td>George S. Cooper</td>
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<td>720 20th Street</td>
<td>Stockton Hall</td>
<td>1924</td>
<td>Harris &amp; Heaton</td>
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<tr>
<td>725 21st Street</td>
<td>Corcoran Hall</td>
<td>1924</td>
<td>Harris &amp; Heaton</td>
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### SQUARE 103

#### Address

<table>
<thead>
<tr>
<th>Address</th>
<th>Building Name</th>
<th>Date</th>
<th>Architect</th>
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</thead>
<tbody>
<tr>
<td>2000 G Street</td>
<td>Oscar Underwood House</td>
<td>1876 ca</td>
<td></td>
</tr>
<tr>
<td>2002 G Street</td>
<td></td>
<td>1876 ca</td>
<td></td>
</tr>
<tr>
<td>2004 G Street</td>
<td></td>
<td>1876 ca</td>
<td></td>
</tr>
<tr>
<td>600 20th Street</td>
<td>Francis Scott Key Hotel</td>
<td>1925</td>
<td>George N. Ray</td>
</tr>
<tr>
<td>601 21st Street</td>
<td>Weaver Rowhouse</td>
<td>1897</td>
<td>Arthur Heaton</td>
</tr>
<tr>
<td>603 21st Street</td>
<td>Weaver Rowhouse</td>
<td>1897</td>
<td>Arthur Heaton</td>
</tr>
<tr>
<td>605 21st Street</td>
<td>Weaver Rowhouse</td>
<td>1897</td>
<td>Arthur Heaton</td>
</tr>
<tr>
<td>607 21st Street</td>
<td>Weaver Rowhouse</td>
<td>1897</td>
<td>Arthur Heaton</td>
</tr>
<tr>
<td>609 21st Street</td>
<td>Weaver Rowhouse</td>
<td>1897</td>
<td>Arthur Heaton</td>
</tr>
<tr>
<td>619 21st Street</td>
<td>Quigley's Pharmacy</td>
<td>1909</td>
<td>Woodward and Gregg</td>
</tr>
<tr>
<td>2031 F Street</td>
<td>Bloomer Apartments</td>
<td>1905</td>
<td>B. Stanley Simmons</td>
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<tr>
<td>2033 F Street</td>
<td>Weaver Rowhouse</td>
<td>1897</td>
<td>Arthur Heaton</td>
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<tr>
<td>2035 F Street</td>
<td>Weaver Rowhouse</td>
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<td>Arthur Heaton</td>
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<td>2037 F Street</td>
<td>Weaver Rowhouse</td>
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### SQUARE 104

#### Address

<table>
<thead>
<tr>
<th>Address</th>
<th>Building Name</th>
<th>Date</th>
<th>Architect</th>
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</thead>
<tbody>
<tr>
<td>2000 F Street</td>
<td>The Empire Apartments</td>
<td>1939</td>
<td>Harry Edwards</td>
</tr>
<tr>
<td>532 20th Street</td>
<td>The York Apartments</td>
<td>1940</td>
<td>Frank Russell White</td>
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</tbody>
</table>
# The George Washington Historic District

Name of Property | County and State  
--- | ---  
Washington, D.C.  

## SQUARE 121

<table>
<thead>
<tr>
<th>Address</th>
<th>Building Name</th>
<th>Date</th>
<th>Architect</th>
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<tbody>
<tr>
<td>1920 G Street</td>
<td>Concordia Church</td>
<td>1891-1892</td>
<td>Schulze &amp; Goenner</td>
</tr>
<tr>
<td>1920 G Street</td>
<td>Concordia Church Rectory</td>
<td>1885</td>
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</tr>
<tr>
<td>1925 F Street</td>
<td>Steedman-Ray House</td>
<td>1849</td>
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## SQUARE 122

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<tr>
<th>Address</th>
<th>Building Name</th>
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</thead>
<tbody>
<tr>
<td>1900 F Street</td>
<td>Park Central/Thurston Hall</td>
<td>1928</td>
<td>Harvey H. Warwick</td>
</tr>
<tr>
<td>1916-1918 F Street</td>
<td>Whitney-Lawson Houses</td>
<td>1857-1858 ca</td>
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<tr>
<td>1922 F Street</td>
<td>St. John's Orphanage</td>
<td>1914</td>
<td>Lynch Luquer</td>
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<tr>
<td>514 19th Street</td>
<td>All State's Hotel/ Mitchell Hall</td>
<td>1927</td>
<td>Waddy B. Wood</td>
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</tbody>
</table>
### The George Washington Historic District

**Name of Property:**

**County and State:**

**Washington, D.C.**

**George Washington/West End Historic District—List of Buildings—NON-CONTRIBUTING**

### SQUARE 80

<table>
<thead>
<tr>
<th>Address</th>
<th>Building Name</th>
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<th>Architect</th>
</tr>
</thead>
<tbody>
<tr>
<td>2135 F Street</td>
<td>South Hall</td>
<td>2009</td>
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<tr>
<td>621 22nd Street</td>
<td>Theta Kappa Epsilon</td>
<td>2000 ca</td>
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### SQUARE 101

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<thead>
<tr>
<th>Address</th>
<th>Building Name</th>
<th>Date Built</th>
<th>Architect</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-2016 I Street</td>
<td>Red Lion Row (Infill)</td>
<td>1980</td>
<td></td>
</tr>
<tr>
<td>2020 I Street</td>
<td>Red Lion Row (Infill)</td>
<td>1980</td>
<td></td>
</tr>
<tr>
<td>2036-2038 I Street</td>
<td>Red Lion Row (Infill)</td>
<td>1980</td>
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### SQUARE 102

<table>
<thead>
<tr>
<th>Address</th>
<th>Building Name</th>
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<th>Architect</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000 H Street</td>
<td>Lerner Hall</td>
<td>1984</td>
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</tr>
<tr>
<td>716 20th Street</td>
<td>Jacob Burns Library</td>
<td>1967</td>
<td>Mills &amp; Petticort</td>
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### SQUARE 103

<table>
<thead>
<tr>
<th>Address</th>
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<tbody>
<tr>
<td>2021 F Street</td>
<td>GW Law School</td>
<td>2000 ca</td>
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<tr>
<td>2025 F Street</td>
<td>Potomac House Hall</td>
<td>2000 ca</td>
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</table>
DISTRICT OF COLUMBIA ZONING COMMISSION

ZONING COMMISSION ORDER NO. 339
CASE NO. 80-11C
APRIL 9, 1981

Pursuant to notice, public hearings were held on December 8, 1980, January 5, 1981, January 26, 1981, and February 9, 1981. At these hearings, the Zoning Commission considered an application from the George Washington University for approval of a consolidated application for a Planned Unit Development (PUD) and related zone change.

FINDINGS OF FACT

1. This is an application for consolidated review and approval under Article 75 of the Zoning Regulations for a Planned Unit Development, located at and bounded by 20th, 21st, and I Streets and Pennsylvania Avenue, N.W. including lots 21, 25, 37-40, 45, 53, 57, 824, 827-828, 832-836, 843, 845, 853-855 and portions of public alleys proposed to be closed all in Square 101. The PUD site contains 66,242 square feet, of which 59,962 square feet is the proposed building site and 6,280 square feet is a common service area at the southeast corner of the building adjacent to 21st Street which will not be built upon.

2. The PUD site is presently split-zoned, with 42,865 square feet zoned C-3-C and 23,377 square feet zoned R-5-C. The applicant requests a change in zoning from R-5-C to C-3-C for 17,097 square feet within the building site. The remaining 6,280 square foot truck loading area is zoned R-5-C and will remain R-5-C. This area will provide access for trucks to the loading docks for the proposed project and will permit on-site turning for trucks to avoid vehicular backing movements onto 21st Street.

3. The application for a change in the Zoning Map is to change the zoning classification from R-5-C to C-3-C for lots 835, 836, 855, that portion of Lot 854 lying within 156.75 feet of the right-of-way of I Street and portions of public alleys proposed to be closed.

Vote of the Commission taken at the public meeting of March 23, 1981: 4-1 (Theodore F. Mariani, Ruby B. McZier, Walter B. Lewis, and George M. White to approve with conditions, John G. Parsons opposed).

This order was adopted by the Zoning Commission at its public meeting held on April 9, 1981 by a vote of 4-1 (Ruby B. McZier, Theodore F. Mariani, Walter B. Lewis, and George M. White to adopt, John G. Parsons opposed).
Z.C. Order No. 339
Page 2

4. The C-3-C district permits the development of high-density employment and mixed uses for sites in and adjacent to the central business district. The C-3-C district normally permits a variety of commercial uses. The C-3-C district allows a maximum floor area ratio (FAR) of 6.5, a maximum building height of 90 feet and a maximum lot occupancy of 100 percent. Under Article 75 of the Zoning Regulations, the floor area ratio guideline for a PUD in a C-3-C district is 7.0 and the building height guideline is 130 feet.

5. The R-5-C district permits medium/high density residential uses as a matter-of-right, as well as parking garages, halfway houses, museums, hospitals or university buildings with Board of Zoning Adjustment approval. The District permits a building with a maximum FAR of 3.5, a maximum height of 90 feet and a maximum lot occupancy of 75 percent.

6. The applicant proposes to develop an office/retail project with a gross floor area of 419,730 square feet. The project has three main components:

a. The complete renovation and reconstruction of existing landmark row buildings on the site which face I Street and the construction of new infill buildings on lots not occupied by the landmark buildings to complete the streetscape in a bulk, height and architectural treatment compatible with the existing landmark buildings. The renovated and reconstructed landmark buildings and the infill buildings will be used for office and retail uses;

b. Construction of a new office building behind the row, with a large retail complex, a pedestrian passage-way to the campus and underground parking;

c. Creation of a glass covered galleria and skylight to facilitate pedestrian movement to the campus and the shopping areas within the project between the row buildings and the new office structure.

7. The PUD site is located in the northern portion of Square 101. The site is bounded by I Street and Pennsylvania Avenue on the north, 20th Street on the east, 21st Street on the west, an a public alley on the south. The majority of the site is currently devoted to surface parking. It also contains twelve row buildings which have been designated as a historic landmark by the Joint Committee of Landmarks of the National Capital. These buildings are currently vacant and dilapidated.

8. The subject site is located at the north end of The George Washington University Campus along the high-density office and retail corridor of Pennsylvania Avenue. The subject site is south of two triangular parks (Reservations 28 and 29) which are divided by Pennsylvania Avenue. The parks are owned and operated by the National Park Service.

9. The subject site forms the southern boundary of an urban square formed by 20th, 21st, H Street and I Street/Pennsylvania Avenue, N.W. That square is defined by the large office structures north of Pennsylvania Avenue and the large commercial struc-
utres east of 20th Street and west of 21st Street. This square is now bordered on three sides by buildings ranging up to 130 feet in height. The proposed buildings will complete the square yet retain on the 1 Street frontage the small scale and 19th Century character of the row buildings.

10. The applicant proposes to develop the property under a single lot of record. The applicant intends to own and operate the project upon its completion. The applicant will be responsible for all maintenance, site lighting, landscaping, repairs, trash collection and snow removal.

11. The applicant has applied to the D.C. Surveyor for the closing and transfer to the applicant of certain dedicated alleys within the PUD site. Following removal of these alleys, the applicant will apply for a subdivision of the property into a single lot of record in order to remove the existing platted lots which bear no relationship to the site plan involved in this application.

12. Behind the row buildings, the applicant proposes to develop an eleven story office structure with an additional two stories below grade for parking. Uses in the project will include 48,598 square feet of retail space, of which 8,800 square feet will be below grade, 334,667 square feet of office space all above grade, and 214 parking spaces below grade. The total area of the buildings including the cellar will be 533,327 square feet. Of that total 417,346 square feet is gross floor area included in the FAR calculations. The balance is contained in below grade parking and retail uses, mechanical and storage areas and the penthouse.

13. The applicant proposes to develop a project that has a maximum FAR of 7.0 and a maximum height of 124.75 feet.

14. A total of 214 parking spaces will be provided on site for exclusive use of this commercial project. The applicant will designate thirty-nine of the parking spaces for short-term parking for visitors to the project. The Commission finds that the applicant's parking proposal is reasonable provided that these thirty-nine spaces are reserved as short-term spaces.

15. The parking garage entrance is to be located on 20th Street and it will be used exclusively by passenger automobiles. Access to the loading facilities will be from 21st Street at the rear of the proposed development. The loading area provides enough area to allow full length trucks to have complete on-site maneuverability.

16. Pedestrian access to the project will be through (a) each of the existing row buildings, (b) an entrance to the galleria located on I Street between 2034 I Street and 2040 I Street, (c) the University gateway, located at 2020 I Street which is proposed to be a three-story pedestrian passage through the center of the project which, with a "landscaped walkway in the southern half of the square, will permit pedestrian access to the University yard which is directly to the south of Square 101 across H Street, N.W., (d) the main office entrance located between 2008 and 2018 I Street, and (e) from an entrance to retail uses from 20th Street.

17. The project will be developed in one stage over a period of approximately three years. Construction will begin as soon as the necessary permits are issued.

1984
18. Storm water runoff will be discharged onto surface drainage and will not be discharged into the existing combined sewer service at this location. Sewer and water service will utilize, and connect with, existing public facilities in I, 20th and 21st Streets. The Department of Environmental Services has stated that existing water and sewer services are adequate to serve the project. The Department has issued a water and sewer reservation for the project.

19. The 19th Century streetscape and the historic row buildings along I Street between 20th and 21st Streets, except for 2040 I Street which is not owned by the applicant and is not a part of this application, will be restored and reconstructed except for their rear additions, which will be removed to permit construction of the office building and the galleria.

20. The retail complex in the project will serve residents of the neighborhood, the University community, users of the office building and nearby office workers. The complex includes retail space at the first-floor level of the historic row buildings and the first floor of the new office structure. Between the row buildings and the office structure will be a glass covered, temperature controlled walking area to give access to the shops in the row buildings and the office buildings.

21. The project is of major importance to the city and the University because it would: (a) provide for historic landmark preservation and reuse of the existing landmark buildings; (b) improve the attractiveness of the area; (c) introduce a University gateway with pedestrian circulation through the complex to the University Yard; (d) provide retail services to the neighborhood; (e) protect the University's future in the City by providing a reserve of building space for future University operations; (f) provide income to the University to defray operational expenses; (g) generate more than $1 million annually in tax revenues to the District of Columbia; and (h) create approximately 1850 permanent jobs and 250 construction jobs in the District of Columbia.

22. The project is consistent with the George Washington University Campus Plan which was approved by the Board of Zoning Adjustment in 1970. The Campus Plan calls for a high density commercial frontage along Pennsylvania Avenue between 19th Street and the University Medical Center at 23rd Street.

23. The Planned Unit Development will provide the following amenities for the District of Columbia:
   a. The preservation and reconstruction of the landmark on the 2000 block of I Street;
   b. The creation of a lively commercial center to serve the neighborhood, the office buildings in the area and the University community;
   c. The retail galleria, which ties together the restored and rebuilt row buildings with the new office building and which will be a skylit, temperature controlled, pleasant environment for shoppers and visitors to the project;
   d. The University gateway, which is an enclosed pedestrian way running the entire depth of the project from I Street to a landscaped pedestrian walkway to H Street in the University Yard.
e. Superior landscaping and lighting provided by the project; and

f. The design of the office building itself.

24. At the public hearing, the applicant submitted an alternative design as requested by the Zoning Commission. The alternative design did not change the basic aspects of the project, but altered the treatment of the new office element to make it more of a "back drop" for the row buildings as compared to the original design submitted by the applicant. The alternative design enhances the texture and form of the row buildings. The alternative design significantly reduces the apparent mass of the building by ample set backs and the use of reflective glass to give an open, airy feeling to the building. The alternative design is a softer statement of an office building and is a less active design as compared to the original proposal. The mass of the alternative design has two principle portions which are intended to be a back drop to the third mass which is the row buildings themselves. These two masses consist of a lower element which would be all glass which would reflect the light from the sky and be a back drop from the row buildings. Behind the lower element is a higher element which is set back twenty-five feet further than the original design in order that the building mass may be perceived as more distant from I Street.

25. Herman D. J. Spiegel, of Spiegel and Zamecnik, Inc., the structural engineers for the project, submitted a detailed written report and presented oral testimony on the conditions that exist in the row building presently. Mr. Spiegel testified that the row buildings have severe structural defects including inadequate masonry walls, inadequate wood roofs and floor framing, lack of proper foundations, poor subsoil conditions, archaic tie detail close to basement slabs, frost heave, damage from Metro construction close to 21st and I Streets, inadequate original construction, lack of maintenance over ninety to 150 years, errors and poor construction during alterations, and poor mortar in the masonry walls. Mr. Spiegel testified that eighty-one percent of the walls that comprise the row buildings are either structurally unsound or do not meet the D.C. Building Code. Mr. Spiegel testified that even if the loads were reduced in the row buildings to the very minimum required by the D.C. Building Code, approximately eighty percent of those walls would still be deficient. Mr. Spiegel concluded that the front facades represented most of the walls that could be saved due to better care in their construction and lack of exposure to the sun and other elements. His recommendation as a structural engineer was to remove all the deficient walls, restore what could be restored and reconstruct the remaining walls. The Commission concurs in the findings and recommendation of Mr. Spiegel.

26. The proposed alternative design complies fully with the District of Columbia Building Code requirements with regard to fire and life safety concepts. The applicant's fire safety expert concluded that it is unlikely that the required fire resistance of the Building Code could be achieved without extensive rebuilding of the existing row buildings. He found the alternative design with the reconstruction of the row buildings to provide a superior fire protection system for the occupants and for fire fighters by increasing the fire resistance of the structures to that required by the Code and good engineering technique. The Commission agrees.
27. The total amount of space that can be supported in the project for retail uses will vary according to the size and mix of shops. However, at least 33,000 square feet of space can be supported.

28. Mr. Mallory Walker, President of Walker and Dunlop, a commercial real estate company that specializes in leasing and management of office structures, testified that the site is an excellent location for office and retail uses. He testified that there is a strong demand for well located office space and that he would expect to be able to lease fifteen percent of the project during 1981, fifty percent in 1982 and the remainder in 1983. He concluded that the demand for both present and future office space remains very strong, especially in the immediate vicinity of the project. Mr. Walker also testified that it is an important element of an office building to establish a separate office building entrance that is different from the University gateway and galleria entrances. The Commission so finds.

29. Henry J. Browne, a registered architect with the firm of Grigg, Wood, Browne, Eichman and Dalgliesh, historic preservation consultants, testified that from a historic preservation perspective, restoring the facades and reconstructing the row buildings to their original footprint would be in keeping within the spirit of the landmark designation and his own evaluation. He found that general adaptive restoration of the spaces behind the facades would be economically difficult in view of the deteriorated condition of the framing, masonry walls, the varying floor levels, and the absence of compliance with the life safety and environmental requirements of the District of Columbia. He further stated that restoration would require replacement of much of the fabric of the buildings. He stated that the landmark status of the row is based on the row's contribution to the streetscape. Total restoration of the buildings, even if possible, is unwarranted. Further, he found the rear portion of the structures, bear no resemblance to the original rear facades because of successive additions. The rear facades have been penetrated numerous times for convenience and leave little to be preserved. He further found that the rear facades are without historic or aesthetic value. He concluded that the new alternative design office building with its facade breaks and setbacks from the row buildings, would not damage the historic streetscape. The Commission so finds.

30. The project plan will impose no significant traffic impact upon the street system, the parking requirements are adequate, and the loading requirements will be met without disruption to the traffic and pedestrian flow. The presence of nearby mass transportation will reduce the need for automobile commuting to the project.

31. Dr. Lewis Waters, the applicant's expert planning consultant, testified that the project conforms to all applicable public policies and plans. He said that the project will generate over 2100 jobs and 1.5 million dollars in public revenues to the City and that the project will have minimal impact on community services. He stated that retail shopping opportunities will be provided and mass transit use will be enhanced. He found no adverse impact on area land uses or the neighboring communities. Dr. Waters also testified that the project's relationship to adjacent structures is consistent with the land uses and building character of the area. Dr. Waters concluded that the project meets or exceeds
the benefits derived from a typical matter of right development which can be built on this site. He testified that there would be no adverse impact on water supply, sewer service, storm water flow, air quality, noise, and solid waste disposal to the District of Columbia. He stated that sound planning techniques justified the rezoning of the 17,100 square feet of R-5-C land to C-3-C. The rezoning would have no adverse impact on the area. He also indicated that no loss of future residential land will occur as a result of the rezoning since the University owns this land and would develop it in a University, non-housing use which is allowed in the R-5-C zoning. He found the application to comply with Article 75 of the Zoning Regulations and to meet the essential guidelines for approval of a Planned Unit Development. He found the increased height allowed under the PUD was justified by the setbacks from the facades of the row buildings. He concluded that the many benefits to the City and community in the application justified its approval under the Planned Unit Development process. The Commission agrees with the findings and conclusions of the expert planning consultant.

32. M.O. Garfink, Vice President, Chief of the Pre-construction Services Department, Clark Enterprises, Inc., testified that the cost of incorporating the existing 1 1/2 street facade and constructing the alternative design is estimated to be approximately $29.1 million. A first class office building in Washington, D.C. conforming to the appropriate zoning but without the obligation to retain the existing structures would cost approximately $24.1 million. We estimated. He further estimated that the University will spend approximately $5 million for incorporating in the project the row house facades and for spatial configurations of the alternative design. The Commission so finds.

33. The Office of Planning and Development by a report dated November 28, 1980, approved the concept of a Planned Unit Development for the site with the provision that several elements identified in the report be resolved prior to final approval. The OPD stated that it had some reservations about the specifics of the project shown in the original application. The OPD acknowledged that it is the character of the facades of the structures which is the significant contributory factor to the urban streetscape. After submission by the applicant of the alternative design, by its testimony on February 9, 1981, the Office of Planning and Development recommended approval of the application as modified by the alternate design, subject to certain guidelines, conditions and standards set forth in its report. The Commission agrees with the OPD findings.

34. The D.C. Department of Transportation ("DOT") by memorandum to the Office of Planning and Development dated December 10, 1980, reported that DOT had coordinated the design of the loading facilities and the parking structure with the applicant. The Department of Transportation report noted that there is sufficient capacity in the area street network to accommodate traffic entering and leaving the project and that the applicant's truck loading design which permits on-site truck movement is an excellent means of avoiding traffic disruption associated with trucks backing out of a way, air quality, noise, and solid waste disposal to the PUD proposal for parking, specifically the reservation of 39 spaces for short-term and visitor parking, because of the excellent transit service in the area. The Commission concurs with the conclusions reached by DOT.
35. The Department of Environmental Services, in a memorandum to the Office of Planning and Development dated November 2, 1980, indicated that it concurs with the proposed PUD application.

36. The D.C. Fire Department, by memorandum dated November 7, 1980 to the Office of Planning and Development, indicated that the Department had reviewed the application and concluded that the proposed development will have no adverse impact on the Fire Department.

37. The Superintendent of Schools, by memorandum dated October 31, 1980, to the Office of Planning and Development indicated that the proposed development's impact on the Public Schools will be negligible.

38. Advisory Neighborhood Commission 2A within which the property is located, by testimony presented at the public hearing and by written statement, opposed the original project design submitted by the applicant for the following reasons:

a. The ANC opposes the proposal by the University to permit the development rights of the common service area (Lot 854) to be transferred to another part of the Square.

b. The original portions of each landmark building included in the project should be preserved in their entirety and the applicant proposed substantial reconstruction.

c. The architecture of the new building is incompatible with the scale of the row houses and its design is visually overbearing and forms a barrier to the University campus and the community.

d. The 8,025 square feet of galleria area and pedestrian way should be included in the FAR calculations of the project since the area is usable floor space.

e. There should be an entrance to each row building on I Street with an option to use an entrance at the rear of each row building into the galleria. The ANC stated that it is critical to retain an active street life on I Street and that separate individual entrances to the row houses is the best way to achieve that objective.

f. The proposed uses for the retail area should be more service-oriented.

At the public hearing, the ANC noted that its resolution entered into the record was based on the original design in the PUD application. The ANC indicated that it had not taken a formal position on the alternative design and was requested to do so by the Zoning Commission. The ANC subsequently held a meeting on March 3, 1981, and passed a resolution which modified its original position in several respects. The ANC's resolution reduced its opposition to the project to two issues.
A. the height and bulk of the office building behind the row structures; and

B. the extent of reconstruction versus restoration of the row buildings.

The ANC further recommended that if the Zoning Commission approved the PUD, it be approved only as the first stage of a two-stage process.

39. The Foggy Bottom Association, by its written statement and the oral testimony of its President, Mr. John L. Landgraf, at the public hearing opposed the application for the following reasons:

a. Insufficient study has been made of the needs of Foggy Bottom residents for retail services. The area is ill-supplied with retail services. A list of general needs supplied by the ANC in January 1980 does not appear to have been carefully studied. Planning for services and amenities seems basically to have been directed toward University students and staff, and daytime office workers.

b. While the Foggy Bottom Association recognizes the University's need in its "land bank" program for an income-producing building on the site, it questions the height and mass of the proposed office building.

c. The Association desires more preservation of the existing row buildings rather than the amount of reconstruction proposed by the applicant.

40. Don't Tear It Down, Inc., ("DTID") by the written testimony and oral statement of Mr. Peter H. Smith and a professional engineer, Mr. James Plowden, opposed the application for the following reasons:

a. The preservation of the landmark buildings should not be considered an acceptable public benefit that would warrant increased FAR under a PUD. An objective of a PUD under Article 75 is to encourage historic preservation. DTID believed that increased revenue from a new office building with an FAR greater than that allowed as a matter of right is more than is needed to rehabilitate the row buildings.

b. DTID opposed the exclusion of the galleria and pedestrian passageway from FAR calculations because it contends that these passageways are being built only to service the project.

c. DTID opposed the reservation of FAR for the area that is known as the common service area.

d. DTID contended that the parking garage jeopardizes some of the landmark row buildings and should be readjusted to be built under the common service area.

e. DTID believed that the University's architects should have moved the building back further, or reduced its height, to lessen impact on the row buildings.
f. The applicant should consider planning the entire square in relationship to this project.

g. DTID questioned the structural analysis submitted by the applicant's structural engineer. Specifically, DTID re-recommended that the question of reconstruction or preservation of the landmarks be referred to the Mayor's Agent under provisions of D.C. Law 2-144.

h. DTID opposed two main entrances on I Street (the gateway and the office entry) because such entrances break up the cohesiveness of the row.

41. Mr. Theodore Scheve, an adjacent property owner and a party in opposition to this application, did not make an oral or written statement at the public hearing.

42. The Zoning Commission received the testimony of one person in support of the application and several letters from other persons in support of application are in the record.

43. The Joint Committee on Landmarks of the National Capital by a resolution dated January 22, 1981, found the alternative design to be an improvement over the original design with respect to: (1) retention of the basic footprint of the landmark buildings and redesign of the rear elevations in a manner consistent with the original character; (2) redesign of the galleria as a series of separate elements responding to the architectural presence of the landmarks rather than as a continuous membrane relating the landmark facades to the proposed office building in a superficial, decorative manner; and (3) simplification of the articulation of the principal facade of the office building slab in a manner more compatible with the visual richness of the historic buildings. However, the Committee found that the alternative design was not consistent with the purposes of D.C. Law 2-144 as set forth in Section 2 (b) because:

a. the project still calls for the demolition of major portions of the buildings, all of which contribute to the character of the historic landmark; and

b. although the design of the office building has been further simplified, it is still not compatible with the historic landmark.

The Committee determined that the building's height and mass still visually encroach upon the historic buildings, overwhelming them and destroying the architectural integrity of the row of landmark buildings. The Committee recommended that: (1) the main blocks of the landmark buildings be retained in their entirety and rehabilitated; and (2) the height and bulk of the office buildings be further reduced. The applicant indicated at the public hearing that it intends to appeal the Joint Committee's decision to the Mayor's Agent, as provided for in D.C. Law 2-144.

44. The Commission has given serious consideration and "great weight" to issues raised by the Advisory Neighborhood Commission. As to those issues, the Commission finds as follows:
A. As to the ANC's concern that the common service area development rights will be transferred to a lot elsewhere in the square, the Commission notes that the application has been modified, so that the land area of the common service area is not included in the FAR calculations of the building. Accordingly, the existing R-5-C development rights will remain with the common service area lot and are not transferred. The Commission will further limit the use of that floor area to a University use. If the University should in the future combine the common service area with an adjacent parcel for a project consistent with the University's Campus Plan, the floor area of the common service area could be utilized in such a project, if approved by the Board of Zoning Adjustment, provided that the common service area remains available for truck service movements as proposed by the applicant.

B. As to the preservation of the historic landmark and the ANC's concern that the original portions of each of the landmark buildings be saved, the Commission finds that the alternative design addresses this concern and that the University is willing to preserve those portions of the landmarks that can be preserved and still meet structural and safety requirements of the District. The Commission further will leave to the discretion and final resolution of the Joint Committee and the Mayor's Agent the detailed decision on how much of the buildings must be preserved.

C. As to ANC 2A's concern about the exclusion from FAR calculations of the 8,025 square feet of galleria area pedestrian way, the Commission finds that the reduced building size of the alternate design makes it unnecessary for this exclusion to be addressed.

D. As to the ANC's concern that there should be a primary entrance to each row building on I Street, the Commission finds that the University has addressed this issue and has provided, in its alternative design, access to each row building from I Street.

E. As to the ANC's concern that the proposed uses for the retail area should be more service oriented, the Commission finds that the proposed retail mix generally meets this concern while still maintaining a viable rentable retail project. The Commission further finds that there is no overall consistency to the ANC's list of acceptable retail uses, and finds that the uses permitted in the C-3-C District are reasonably for the subject site.

F. As to the ANC concern that the architecture of the new building is incompatible with the scale of the row buildings, is visually overbearing and forms a barrier to the University campus and the community, the Commission finds that the setbacks provided from the row buildings, the materials and design of the alternative design and the articulations of the alternative design render the building design compatible with the row buildings and surrounding structures.

G. As to the recommendation that the application be approved only as the first stage of a two-stage process, the Commission finds that nothing would be gained
by such an action. All of the information necessary to decide the application is available as well in a consolidated process as in a two-stage process.

45. As to the concerns raised by the Foggy Bottom Association, the Zoning Commission finds that the applicant did consider the needs of the Foggy Bottom residents in its retail program and that the height and mass of the proposed office building with the proposed set backs enhances the row buildings. Further, the Commission finds that based on the report of the University's structural engineer, the University intends to preserve the row buildings where such preservation can be accomplished, given the structural conditions of the row buildings.

46. As to the concerns raised by Don't Tear It Down, Inc., the Commission finds that:

a. the benefits provided by this application, namely the preservation and restoration of the row buildings, the set backs from the row buildings, the increased revenues to the city from additional taxes, the provision of retail services for the community, the pedestrian access from H Street to I Street through the project, the provision of a galleria, the location and design of the underground parking garage and loading facilities, and the provision of the 250 construction jobs and 1850 permanent jobs upon completion meet the requirements of the Zoning Regulations for a Planned Unit Development;

b. regarding exclusion of the galleria from FAR calculations, such exclusion is no longer necessary since the applicant has reduced the size of the building and the proposed FAR is within the PUD guidelines;

c. the concern with transfer of FAR in connection with the common service area is eliminated by the applicant's modified request to preserve the FAR of the site for future uses but without transfer to another lot in its application;

d. as to concern about the parking garage, the Commission finds that the parking can be located as proposed by the applicant without effecting the character of the row buildings;

e. the Commission finds that the proposed alternative design helps to complete an appropriate urban square by filling out the south side of the square;

f. the Commission does not have jurisdiction to require an applicant to expand its site, including purchasing additional properties. The Zoning Commission can only review the application before it;

g. the Commission finds that the applicant's structural engineer adequately demonstrated to the Commission that the row buildings have serious structural deficiencies and that the University proposes to preserve the fabric of the row buildings, rebuilding where necessary;
h. the Commission finds that the row on I Street, as
designed, is cohesive and that there is no adverse
effect on the row created by the existence of the
separate University Gateway and office building entrance.

47. The proposed action was referred to the National Capital
Planning Commission under the terms of the District of
Columbia Self-Government and Governmental Reorganization
Act. The NCPC reported that the proposed approval of the
application is inconsistent with the Comprehensive Plan
for the National Capital, and would have an adverse impact
on the Federal interest in the preservation, protection and enhancement of historic landmarks. The NCPC reported
that:

A. The National Capital Planning Act of 1952, as
amended, charges the Planning Commission with
the preservation of "important natural and histori-
cal features of the National Capital". The proposed
planned unit development includes the south side
of the 2000 block of Eye Street, N.W. (Red Lion Row),
a Category II landmark of the National Capital on
the National Register of Historic Places, and is
adjacent to open space defined by the north line of
Eye Street, east line of 20th Street, south line of
Eye Street, and west line of 21st Street, including
U.S. Reservations 28 and 29 (James Monroe Park),
which open space is one of the major elements of the
1791-1792 plan of the Federal City, a Category I
landmark of the National Capital. The preservation,
protection and enhancement of these landmarks and Federal parks are Federal interests.

B. The Comprehensive Plan for the National Capital has
among its goals increased "awareness of and access
to, facilities, places and activities essential to residents' and visitors' understanding of their history and culture" and among its policies "the preservation and enhancement of places and events which most importantly contribute to neighborhood identity" and "the continued identification, preserva-
tion and use of significant...historic...districts
and sites".

C. The proposed planned unit development provides for
a mirrored glass and masonry office building with
a height of 125 feet immediately to the rear of and
attached to Red Lion Row paralleling its entire
length. The Joint Committee on Landmarks of the
National Capital has determined that the design of
the office building is not compatible with Red Lion
Row because its height and mass visually encroach
upon the historic buildings, overwhelming them and
destroying their architectural integrity. The
Commission concurs with the Joint Committee and also
finds that the office building would fail to enhance
the adjacent open space.
The NCPC further recommended that the Zoning Commission obtain specific design guidance from the Joint Committee which would assure compatibility of the new construction with the historic structures.

48. In addressing the concerns of the NCPC regarding the Comprehensive Plan, the Zoning Commission finds as follows:

A. The issue of historic preservation has been one of the primary factors considered in the record of the subject application. The Commission has previously set forth in other orders, in great detail, its view on the relationship between zoning and the historic preservation protection processes established by D.C. Law 2-144. Briefly stated, the primary mechanisms for historic preservation in the District is D.C. Law 2-144. The NCPC's conclusion that approval of the proposed Planned Unit Development and rezoning would be "inconsistent with the Comprehensive Plan" ignores the reality of D.C. Law 2-144. Section 8(f) of that Law allows the Mayor's agent to deny the issuance of a building permit for new construction on the site of a historic landmark "if the design of the building and the character of the historic district or historic landmark are incompatible." Further, Section 5(e) provides that no demolition permit for a historic landmark may be issued "unless the Mayor finds that issuance of the permit is necessary in the public interest, or that failure to issue a permit will result in unreasonable economic hardship to the owner." If D.C. Law 2-144 is properly administered, there can be no contravention of the intent of the Comprehensive Plan.

B. The weight of all the testimony and evidence in the record of the proceeding establishes that, contrary to the report of the NCPC, approval of the application will further the goals and policies concerning historic preservation. The applicant is preserving the scale and character of the landmark. The Commission will leave for final resolution by the Joint Committee on Landmarks and the Mayor's Agent the detailed decision on how much of the buildings must be preserved intact, and how much may be rebuilt. The Commission finds that the testimony and report of the applicant's structural engineer, cited in Finding of Fact No. 25, establish that it is unlikely that much of the original buildings can be retained for modern commercial occupancy. However, adaptive reuse of historic landmarks requires flexibility to fit the requirements of modern codes and ordinances.

C. The NCPC further failed to recognize that in evaluating and applying the Goals and Policies element, all of the goals and policies must be considered. The NCPC cites two sections of the District of Columbia Comprehensive Plan Goals and Policies Act of 1978. Sections 451 and 452 are both from the portion of the element dealing with "History and Culture." The NCPC made no reference to any other portion of the Goals and Policies element, even though the element has sixty-four other sections dealing with such topics as land use, transportation, economic performance and urban design. The element as a whole
constitutes the goals and policies for the District of Columbia. To seize upon one goal or policy to the exclusion of all the others is to the detriment of the city. The NCPC did not cite such other policies of the element as "to encourage the retention of existing businesses, the attraction of new businesses and appropriate business expansion" (Section 502(a)), "to promote a broadened public revenue base for the District, using all available resources" (Section 542 (c)), "to have a productive vital and attractive downtown"(Section 571), "to promote appropriate commercial, industrial and related development to serve the economic needs of the city and its neighborhoods" (Section 702(b)), "to promote the use of vacant land for the maximum benefit of the city and adjacent neighborhoods" (Section 702(f)), "to promote land uses which most effectively support efficient transportation systems"(Section 802(g)) and "to promote the maximum possible use of public transit for trips within the city "(Section 802(a)). In determining whether an action is inconsistent or not inconsistent with the Comprehensive Plan, the Zoning Commission must take into account the entire Goals and Policies element. Further, the Commission must balance what are often competing goals and policies. To accept the view of the NCPC and to reject the rezoning would be to take an action that is more inconsistent with the Plan than the action to be taken herein. The balance, of all the goals and policies, to be reached clearly favors the proposed action.

49. In addressing the concerns of the NCPC regarding the adverse impact on the Federal interest, the Commission finds that the NCPC has again singled out a small portion of what might be considered to be the Federal Interest. The District of Columbia is the national capital. From that viewpoint, any action taken by the Zoning Commission which affects the District of Columbia might be said to affect the Federal Interest. However, in establishing the principle of home rule, and the dichotomy of authority between the District and Federal governments, the Congress clearly intended that the interests of the District would prevail over other interests in some circumstances. The power of the District is not unchecked. The Congress retains disapproval power over all legislative actions of the City Council, and further retains ultimate authority over the District. In assessing whether a proposed action would have an adverse impact on the Federal interest, the Commission must consider all the ramifications of such action and strike the appropriate balance of Federal and local concerns. The Zoning Commission believes that the issue of historic preservation is primarily a local issue. The preservation of historic districts is accomplished through local legislation and controls. The goals and policies for historic preservation cited by the NCPC are from a District element of the Comprehensive Plan. The Commission believes that the mere fact that a historic landmark is listed on the National Register of Historic Places is not sufficient to accept the assertion that protection of that district is a Federal interest. The Commission notes however that even if the NCPC's argument is correct, its conclusions that there will be an adverse impact on that interest is not correct. The Commission has stated its findings on the question of historic preservation previously in this order. It is not necessary to state them again.
50. As to the concerns of the NCPC concerning adverse impact on U.S. Reservations 28 and 29, the Commission finds no significant adverse impact will occur. The Commission notes the position of the NCPC concerning both Judiciary Square and Mount Vernon Square, both major, existing, formal elements of the Federal presence in the District of Columbia. In regard to both those squares, the NCPC found no negative impact in allowing buildings to have a height of ninety feet directly facing on the square, and to go to even greater heights with a one-to-one setback above ninety feet. In the present case, the retention of the three-story rowhouse element provides a mass with a height of approximately thirty-five feet for a depth of approximately fifty feet. There is a reflective glass element approximately eighty feet in height, and the final height in excess of 120 feet is not reached until a depth of approximately sixty-five feet from the I Street right-of-way. The Commission finds that the proposed design of the building will not have an adverse impact on the U.S. Reservations.

51. As to the recommendation of the NCPC that the Commission seek specific design guidance from the Joint Committee, the Commission finds that no useful purpose would be served by delaying final action on the application at this point. The Commission is cognizant of the position taken by the Joint Committee, as set forth in Finding of Fact No. 43. The Commission further recognizes that there is a legitimate statutory role for the Joint Committee and the Mayor's Agent in exercising authority pursuant to D.C. Law 2-144. There is sufficient flexibility in the guidelines, conditions and standards set forth in this order, especially when taken in conjunction with the modifications permitted by Sub-section 7501.8 of the Regulations, to allow for modifications to the project to meet design criteria imposed through the landmarks process. If substantive changes to the approval are required, the Commission will consider them upon receipt of an appropriate request to do so.

CONCLUSIONS OF LAW

1. The proposed Planned Unit Development meets the minimum area requirements of Sub-section 7501.2 of the Zoning Regulations.

2. The Planned Unit Development process is an appropriate means of controlling development of the subject site.

3. Approval of this consolidated PUD application is appropriate, because the application is generally consistent with the present character of the area and because it would encourage stability of the area.

4. The Zoning Commission is not bound to accept the report of the National Capital Planning Commission if it finds valid reasons not to be so bound. The Commission has given serious attention and consideration to the issues and concerns raised by the NCPC.

5. The Planned Unit Development and change of zoning is consistent with the adopted elements of the Comprehensive Plan for the National Capital.
5. The Commission takes notes of the position of Advisory Neighborhood Commission - 2A, and in its decision has accorded to the ANC the "great weight" to which it is entitled.

7. The approval of the application would 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 application can be approved with conditions which would insure that the proposed development would not have an adverse effect on the surrounding area.

DECISION

In consideration of the Findings of Fact and the Conclusions of Law herein, the Commission hereby orders approval of the Consolidated application for a Planned Unit Development for Lots 21, 25, 37-40, 45, 53, 57, 824, 827-828, 832-836, 843, 845, 853-854, 855 and portions of public alleys proposed to be closed in Square 101, located at "I" Street between 20th and 21st Street, N.W., containing 66,242 square feet. The Commission further hereby Orders approval of a change of zoning from R-5-C to C-3-C for lots 835, 836, 855, that portion of lot 854 lying within 156.75 feet of the right-of-way of I Street and portions of public alleys proposed to be closed, all as shown on the plat marked as Exhibit No. 118 of the record. The approval of the PUD and the change of zoning are both subject to the following guidelines, conditions and standards:

1. The Planned Unit Development shall be developed in accordance with plans dated January 26, 1981, prepared by Hellmuth, Obata and Kassabaum/John Carl Warnecke, Joint Venture Architects and marked as Exhibit No. 66 of the record, except for Drawing 3-1A which is not approved by this Order. Such plans may be modified to conform to the guidelines, standards and conditions of this Order.

2. The Planned Unit Development shall be developed under the PUD standards of the C-3-C District except for the "common service area" described in Condition No. 3 of this Order.

3. The "common service area" as shown on Exhibit No. 116 of the record shall remain in the R-5-C District. Such area shall provide loading and service facilities for the planned unit development and may be used for these purposes in conjunction with future development by George Washington University in Square 101 south of the planned unit development. The amount of gross floor area calculated from the 6,280 square feet of land included in the "common service area" is not included in the gross floor area permitted in this planned unit development. The amount of gross floor area calculated from the "common service area" may be included in the future development of adjacent property which includes the "common service area" only if the development is for a University use in accordance with the approved campus plan for George Washington University.

4. The existing and proposed structures in the Planned Unit Development may be used for any of the uses permitted in the C-3-C District.

5. The maximum FAR of the Planned Unit Development shall be 7.0. The maximum gross floor area of the planned unit development shall not exceed 419,736 square feet, of which a minimum of 33,000 square feet shall be devoted to retail and/or service uses.

6. The maximum height of the Planned Unit Development shall not exceed 124.75 feet exclusive of roof structures. A roof structure may be erected to a height not to exceed 18'6" above the roof upon which it is located.

1998
7. The roof structure of the proposed building shall comply with the requirements of Section 3308 and Paragraph 5201.24 of the Zoning Regulations.

8. The Planned Unit Development shall provide a minimum of 214 parking spaces of which not less than 39 shall be reserved for short-term use at all times. Access to the parking garage shall be from 20th Street, N.W.

9. The location of all entrances, parking areas, and loading areas shall be as shown on the plans submitted to the record, dated January 26, 1981 and marked as Exhibit No. 66 of the record.

10. Landscaping of the public and private spaces shall be as shown on Drawings 1-2 and 2-3 of Exhibit No. 66 of the record.

11. The facade materials of the proposed 11 story structure shall consist of limestone or limestone colored precast concrete. Glazing for all sides of the main portion of the proposed 11 story structure shall consist of mirrored glass. The mirrored glass shall be either gray or green tint. The proposed facade material of the lower element of the north facade of the proposed 11 story structure, marked in red on Drawing 3-1 of Exhibit No. 66 of the record, shall consist entirely of gray or green tinted mirrored glass.

12. The new Eye Street office entrance designated as 2000 Pennsylvania Avenue, the proposed University Gateway, and the proposed infill buildings designated as 2036 and 2038 Eye Street shall be constructed as shown on Drawing 3-1 of Exhibit No. 66 of the record. The design of these buildings and structures may be modified to conform to any requirements imposed by the Mayor's Agent for D.C. Law 2-144.

13. The twelve landmark row structures shall be restored and/or reconstructed in accordance with the decision of the Mayor's Agent for D.C. Law 2-144.

14. The design of the "Galleria" and internal pedestrian circulation space shall be as shown on Exhibit No. 66 of the record.

15. No building permit shall be issued 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, which covenant shall bind the owner and all successors in title to construct on and use the property only in accordance with the adopted Orders, or amendments thereof, of the Zoning Commission.

16. The Planned Unit Development 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 Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three years of the effective date of this Order.
GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION ORDER NO. 348
CASE NO. 80-11C
AUGUST 13, 1981

On April 9, 1981 the District of Columbia Zoning Commission adopted Order No. 339, which granted the application of the George Washington University (GWU) for approval of a consolidated Planned Unit Development (PUD) and change of zoning from R-5-C to C-3-C for various lots in Square 101, subject to development conditions, guidelines, and standards. Pursuant to Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission, Order No. 339 became effective on May 1, 1981.

On May 11, 1981, pursuant to Section 4.6 of the Rules of Practice and Procedure, the Zoning Commission received letters dated May 11, 1981 from Advisory Neighborhood Commission (ANC) 2A and Don't Tear It Down requesting the Commission to reconsider and/or reverse its decision in Order No. 339. On May 15, 1981, pursuant to Section 4.6 of the Rules, the applicant filed a letter in response to the requests for reconsideration, opposing such requests.

The Agent of the Mayor of the District of Columbia, under D.C. Law 2-144 with recommendations from the Joint Committee on Landmarks, has the authority to approve or deny applications for building permits for new construction when a historic district or historic landmark is affected. The project approved by the Zoning Commission in Order No. 339 was also pending review and approval before the Joint Committee on Landmarks and the Mayor's Agent.

On June 18, 1981 the Joint Committee on Landmarks approved The George Washington University project. In most respects the plan approved by the Joint Committee is identical to the plan approved by the Zoning Commission in Order No. 339. To meet the concerns of the Joint Committee the design of the building was modified in the following respects:

a. The overall height of the office building behind the landmark row was reduced by seventeen feet. The penthouse was reduced in height from eighteen feet, six inches to thirteen feet, six inches. The roof cornice was reduced from 124.75 feet to 112.5 feet.

b. The height of the front portion of the office building was set at ninety feet, rather than seventy feet, to conform to the cornice height of adjacent buildings facing Pennsylvania Avenue.
c. The material of the lower element of the office
taking bands of limestone or limestone color precast
cement and glass, the same material as the balance
of the building.

d. Some of the infill buildings were redesigned.

e. The garage plan was changed from two levels to three
and was modified in a horizontal dimension so that
it will not be beneath any landmark structure.

In Order No. 339, the Zoning Commission left the final design of
the landmark and "infill" buildings up to the Mayor's Agent. That
process is now on-going. In Order No. 339, the Commission also pro-
vided the opportunity to reconsider other aspects of the FUD stan-
dards and guidelines made necessary by subsequent Joint Committee
Action. In Finding of Fact No. 51, the Commission acknowledged the
Joint Committee's role in reviewing this project and stated:

"If substantive changes to the approval are required,
the Commission will consider them upon receipt of an
appropriate request to do so."

On June 24, 1981 the Zoning Commission received a letter from
GWU requesting a waiver from the time limit within which to file a
motion for reconsideration, pursuant to Section 1.11 of the Rules.
That letter further requested the Zoning Commission to reconsider
two conditions in Order No. 339, to enable Order No. 339 to be con-
sistent with the decision of the Joint Committee on Landmarks. The
changes in the plans are a result of the redesign of the office
building elevations requested, and approved, by the Joint Committee.
These changes were initiated to make the new office structure more
compatible with the landmark.

Condition #1 required that the Planned Unit Development be
developed in accordance with plans of the Joint Venture Architects
dated January 26, 1981. To conform these plans with the decision
of the Joint Committee on Landmarks, minor alterations are needed.
A set of the plans of the Joint Venture Architects dated June 24,
1981 was attached to the Motion and is marked as Exhibit 127 in
the case record. These changes include:

a. Redesign of the parking garage to move that por-
tion of the structure from beneath the row buildings.
This action requires a third parking level, but does
not change the entrance location, the number of
spaces provided or the basic traffic circulation;

b. The "footprint" of the new office structure has
been modified slightly to step back from the land-
marks;
c. The cornice line has been set to match neighboring buildings and the building has been reduced one story in height; and

d. The facades of the office building have been simplified to reflect the Joint Committee's desire to have a "quiet backdrop" behind the row buildings.

Condition #11 required that the I Street facade of the building consist of a seven story element and an eleven story element. It required the facade material of the seven story element to be entirely reflective glass. The Joint Committee found that the glass element overwhelmed the landmark structures and approved a plan that is simpler both in material and design. This elevation change is shown on Drawing 3-1 of the revised plans marked as Exhibit 127 of the case record, dated June 24, 1981.

By resolution dated July 8, 1981, ANC 2A withdrew its original request for reconsideration dated May 11, 1981. By letter dated July 9, 1981, Don't Tear It Down withdrew its request for reconsideration dated May 11, 1981. Both organizations also supported the request for reconsideration filed by the applicant. Two other parties to the case, the Foggy Bottom Association and Theodore Scheve also submitted letters supporting the request for reconsideration filed by the applicant.

The Commission concludes that there is good cause shown for waiving the requirements of Section 4.6 of the Rules with regard to the applicant's motion for reconsideration. Such motion could not be filed until approval of the project had been received from the Joint Committee on Landmarks. That approval was not given until June 18, 1981. The applicant's motion was filed six days later.

The Commission further concludes that this Motion for Reconsideration is justified on the grounds that the applicant has, for an extended period of time, been before two District of Columbia agencies with concurrent and overlapping jurisdiction. The applicant has appeared before both agencies numerous times. It has finally met the goals and objectives of both agencies. The land use and land development criteria established by the Zoning Commission have not changed. The changes sought through the Motion for Reconsideration are the fine detailing of the conditions and findings contained in the original order.

**DECISION**

In consideration of the findings and conclusions set forth herein, the Zoning Commission, by ruling of the Chairman, waives the requirement of Section 4.6 of the Rules of Practice and Procedures before the Zoning Commission, to allow consideration of the applicant's Motion for Reconsideration filed more than ten days after Order No. 339 became final. The Zoning Commission further hereby orders that conditions #1 and #11 of Order No. 339 be amended to read as follows:
1. The Planned Unit Development shall be developed in accordance with plans dated June 24, 1981, prepared by Hellmuth, Obata and Kassabaum/John Carl Warnecke, Joint Venture Architects and marked as Exhibit No. 127 of the record. Such plans may be modified to conform to the guidelines, standards and conditions of this Order.

11. The facade materials of the proposed ten story structure shall consist of limestone or limestone color precast concrete and glass, final details and color as approved by the Joint Committee on Landmarks of the National Capital and/or the Mayor's Agent for D.C. Law 2-144.

Vote of the Commission taken at its public meeting held on July 9, 1981: 3-0 (Ruby E. McZier, John G. Parsons and Walter B. Lewis, to amend Order #339 - Lindsley Williams, not voting, not having participated in the case and George M. White, not present not voting).

WALTER B. LEWIS  STEVEN E. SHER
Chairman  Executive Director
Zoning Commission  Zoning Secretariat
NOTE:
1. THE EXTERIOR SIGNAGE ELEVATIONS ARE PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FONT, MESSAGE, LOGO, AND COLOR MAY BE REVISED PROVIDED THE MAXIMUM OVERALL DIMENSIONS AND SIGNAGE MATERIALS DO NOT CHANGE.
PROPOSED EXTERIOR
OFFICE ENTRY

NOTE:
1. THE EXTERIOR SIGNAGE ELEVATIONS ARE PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FONT, MESSAGE, LOGO, AND COLOR MAY BE REVISED PROVIDED THE MAXIMUM OVERALL DIMENSIONS AND SIGNAGE MATERIALS DO NOT CHANGE.
EXISTING EXTERIOR
MARKET ENTRY - A
NOTE:

1. THE EXTERIOR SIGNAGE ELEVATIONS ARE PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FONT, MESSAGE, LOGO, AND COLOR MAY BE REVISED PROVIDED THE MAXIMUM OVERALL DIMENSIONS AND SIGNAGE MATERIALS DO NOT CHANGE.
EXISTING EXTERIOR
MARKET ENTRY - B
NOTE:
1. THE EXTERIOR SIGNAGE ELEVATIONS ARE PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FONT, MESSAGE, LOGO, AND COLOR MAY BE REVISED PROVIDED THE MAXIMUM OVERALL DIMENSIONS AND SIGNAGE MATERIALS DO NOT CHANGE.
**PROPOSED EXTERIOR**

**20TH STREET ENTRY**

- **Painted Brick Façade, Windows and Cornice**
- **New Paint on Existing Concrete Façade and Window Mullions**
- **New Signage**
- **New Storefront and Vestibule with Metal Canopy**
- **Eliminate Existing Planter and Signage and Replace with New Signage**

**Note:** The exterior signage elevations are preliminary and shown for illustrative purposes only. Font, message, logo, and color may be revised provided the maximum overall dimensions and signage materials do not change.
PROPOSED EXTERIOR

21ST STREET ENTRY

21ST PROPOSED ENTRY

PAINT EXISTING BRICK, WINDOW FRAMES AND MUNTINS

NEW EXTERIOR PAINTED SIGNAGE

NEW CURTAIN WALL SYSTEM

NEW CANOPY

NEW PAINT ON EXISTING PRECAST PANELS WITH METAL BROW ABOVE

NEW METAL DECORATIVE VERTICAL FINS

NEW VESTIBULE

NEW EXTERIOR SEATING AND PLANTERS

REPLACE EXISTING PLANTER AND SIGNAGE AT 21ST STREET

NOTE

1. THE EXTERIOR SIGNAGE ELEVATIONS ARE PRELIMINARY AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FONT, MESSAGE, LOGO, AND COLOR MAY BE REVISED PROVIDED THE MAXIMUM OVERALL DIMENSIONS AND SIGNAGE MATERIALS DO NOT CHANGE.
10TH FLOOR
WALL SECTION

EXISTING WALL

TO BE REMOVED PARTIAL WALL

EXISTING PARAPET

REMOVED 1" INSULATING GLASS-PPG SOLEX

TO BE REMOVED PARTIAL WALL

EXISTING GUARDRAIL

BUILDING WALL SECTION - EXISTING

PROPOSED NANA WALL, VERTICAL MULLION TO MATCH EXISTING

EXISTING PARAPET

PROPOSED WINDOW LINE

EXISTING WINDOW LINE

EXISTING PARAPET LINE

1/2" = 1'-0"

PROPOSED LEVEL 10

SCALE: 1/4"=1'-0"
NOTE
IN ORDER TO COMPLY WITH THE ZONING REGULATIONS THREE LOADING BERTHS AT 12’ X 30’ AND ONE SERVICE/DELIVERY SPACE AT 10’ X 20’ ARE REQUIRED. IN ADDITION, EACH LOADING BERTH MUST BE ACCOMPANIED BY AN ADJACENT LOADING PLATFORM THAT IS AT LEAST 100 SQUARE FEET.
NOTE
IN ORDER TO COMPLY WITH THE ZONING REGULATIONS THREE LOADING BERTHS AT 12' X 30' AND ONE SERVICE/DELIVERY SPACE AT 10' X 20' ARE REQUIRED. IN ADDITION, EACH LOADING BERTH MUST BE ACCOMPANIED BY AN ADJACENT LOADING PLATFORM THAT IS AT LEAST 100 SQUARE FEET.
PROPOSED
GALLERIA LEVEL - INFILL CALL-OUT PLAN

SCALE: 3/32” = 1’-0”

RETAIL / SERVICES

NEW SLAB INFILL

195 SF

85 SF

440 SF

85 SF

OPEN TO BELOW
NEW SLAB
INFILL

SCALE: 3/32” = 1’-0”

RETAIL / SERVICES

PROPOSED GALLERIA LEVEL - INFILL CALL-OUT PLAN

< EYE STREET >

< 20th STREET >

< 21st STREET >
PROPOSED AREA CALCULATION

*NOTE: WITH THE ADDITIONAL 412.8 SQUARE FEET OF GROSS FLOOR AREA, THE TOTAL BUILDING GROSS FLOOR AREA WILL NOT EXCEED 419,734 SQUARE FEET AS APPROVED BY ZONING COMMISSION ORDER NO. 339.

MRP | 2000 PENN. AVE. REPOSITIONING | 10/11/18 | PC01

20TH ST. ENTRY
21ST ST. ENTRY

GALLERIA LEVEL

MEZZANINE LEVEL

2ND LEVEL

TOTAL ADDED AREA:
805 (SF)

TOTAL ADJUSTED LINEAR FT:
373' 5" (LF) @ 6" = 186.7 (SF)

TOTAL ADJUSTED LINEAR FT:
411' 0" (LF) @ 6" = 205.5 (SF)

OPEN TO BELOW
REDUCED G.F.A.
ADDITIONAL G.F.A.

*NOTE: WITH THE ADDITIONAL 412.8 SQUARE FEET OF GROSS FLOOR AREA, THE TOTAL BUILDING GROSS FLOOR AREA WILL NOT EXCEED 419,734 SQUARE FEET AS APPROVED BY ZONING COMMISSION ORDER NO. 339.
EXISTING
GALLERIA LEVEL - FLOOR FINISH PLAN

- **GALLERIA**: Thin brick tile throughout
- **DECORATIVE TILE**: Thin brick tile herringbone
- **OFFICE LOBBY**: Marble finish

Scale: 1" = 30'-0"
PROPOSED
GALLERIA LEVEL - FLOOR FINISH PLAN

STONE PAVER
EXTERIOR

FLOOR TILE
GALLERIA

STONE TILE
OFFICE LOBBY

CONCRETE AGGREGATE
FLOORING
GALLERIA CORRIDOR

CONCRETE FLOORING
GALLERIA + FOOD HALL

FLOOR TILE
FOOD HALL

BRONZE INLAY
BRONZE SET IN CONCRETE

SCALE: 1"=30'-0"
Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public meeting on November 19, 2018, to consider an application by Initio, LP ("Applicant") for a modification of consequence for the planned unit development ("PUD") approved by Z.C. Order No. 15-18 for the parcel located at 2715 Pennsylvania Avenue, N.W., and more particularly identified as Square 1194, Lot 811 ("Property"). The modification of consequence request was made pursuant to Subtitle Z, Chapter 7, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

A. The Application, Parties, Hearing, and Post-Hearing Filings

1. Pursuant to Z.C. Order No. 15-18, dated January 30, 2017, and effective March 10, 2017 ("Order"), the Commission approved an application for consolidated review of a PUD and a related Zoning Map amendment from the C-2-A Zone District/unzoned to the W-2 Zone District for the Property in order to permit the redevelopment of the Property with a mixed-use building that has a restaurant on the ground floor and a four-story apartment house with seven residential units above. In connection with the PUD, the Commission waived the minimum area requirements of Sec. 2401.1 of the 1958 Zoning Regulations to permit a land area of 7,413 square feet.

2. Pursuant to Z.C. Order No. 15-18A, the Commission granted a minor modification of the PUD in order to vacate Findings of Fact Nos. 37 and 38 and Conclusions of Law No. 4 in Z.C. Order No. 15-18 in order to affirm the waiver of the minimum lot area requirements pursuant to Subtitle X § 301 of the Zoning Regulations of 2016 and not § 2401 of the 1958 Zoning Regulations.

3. The Applicant filed Z.C. Case No. 15-18B on August 10, 2018, seeking either a technical correction or modification of consequence to change the size of the subject property from 7,413 square feet to 7,211 square feet. The reduction was
due to a discrepancy in the land area noted on the assessment and taxation plat that created Lot 811 and the land area noted on the underlying record lot for Lot 15.

4. Pursuant to a letter dated August 22, 2018, the Applicant amended the application to seek a modification of consequence for all of the following:

(a) A reduction in the size of the subject property from 7,413 square feet to 7,211 square feet;

(b) Minor changes to the roof structures, including an increase in the height of the elevator overrun from 15'-0” to 18’-1 ½”; and

(c) A change in the brick color on the building from red to a mid-tone gray.  

(Exhibit (“Ex.”) 5.)

5. In a letter dated September 18, 2018, the application was further amended to include a request from flexibility from the lot occupancy requirements. (Ex. 9.) Specifically, the Applicant requested flexibility to have a lot occupancy of 76.9% where a maximum of 75% is permitted for the W-2 Zone District. The PUD was originally approved with a lot occupancy of 74.8%; however, the reduction in the size of the property from 7,413 square feet to 7,211 square feet, resulted in an increase in the lot occupancy.

6. Advisory Neighborhood Commission (“ANC”) 2E was the only other party to the case.

7. In a letter to the Commission dated September 13, 2018, ANC 2E acknowledged that it was provided with a copy of application seeking to reduce the size of the property from 7,413 square feet to 7,211 square feet, that it was afforded the opportunity to comment on the amendment, and that it took no position on the matter. (Ex. 8.)

8. After the application was amended to include the additional modification requests, ANC 2E filed letters with the Commission dated October 9, 2018, acknowledging that it was provided a copy of the proposed amendments to the PUD, that it was afforded the opportunity to comment on the amendments, and that it took no position on the matter. (Ex. 10-11.)

9. In satisfaction of 11-Z DCMR § 703.13, the Applicant provided a Certificate of Service, which noted that ANC 2E was served with the application.

10. The Office of Planning (“OP”) submitted a report on September 7, 2018. (Ex. 7.) The OP report recommended approval of the application.
CONCLUSIONS OF LAW

1. Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.” (11-Z DCMR § 703.3.) Examples of modifications of consequence “include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.” (11-Z DCMR § 703.4.)

2. The Commission concludes that the modifications requested and as described in the above Findings of Fact, are modifications of consequence and, therefore, can be granted without a public hearing.

3. Although the request for flexibility of the lot occupancy constitutes additional flexibility from the Zoning Regulations for the PUD, the Zoning Commission concludes that said flexibility should be approved as a modification of consequence without a public hearing. There are no issues or concerns that would benefit from a public hearing. As noted in the OP report, there is no change in the bulk, size and intensity of use of the approved PUD, and no change to any impacts generated by the PUD that were not already considered in the original PUD approval.

4. The Commission is required under D.C. Code Ann. § 1-309.10(d)(3)(A) (2001) to give great weight to the affected ANC’s recommendation. In this case, ANC 2E voted to take no position on the application. (See Ex. 8, 10.)

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia ORDERS APPROVAL of a modification of consequence to the consolidated PUD and related Zoning Map amendment application approved in Z.C. Case No. 15-18, as modified in Z.C. Case No. 15-18A as follows:

1. The size of the Property shall be reduced from 7,413 square feet to 7,211 square feet.

2. The PUD shall be developed in accordance with the plans titled “2715 Pennsylvania Avenue” prepared by Souto Moura Arquitectos, dated July 1, 2016 and marked as Exhibits 28H1 and 28H2 in Z.C. Case No. 15-18, and the supplemental lighting plans, dated October 11, 2016, and marked as Exhibits 49A1 and 49A2 (“Plans”) in Z.C. Case No. 15-18, except as modified as follows:

(a) The Applicant shall have flexibility to provide a lot occupancy of 76.9% where a maximum of 75% is permitted in the W-2 Zone District, as reflected on the zoning chart marked as Exhibit 6A of the record;
(b) The permitted height of the elevator overrun for the PUD shall be 18'-1 1/4" as reflected on the plans marked as Exhibit 5G of the record; and

(c) The brick color on the building shall be a mid-tone gray as reflected on the architectural renderings and plans marked as Exhibit 5I of the record.

3. All of the other conditions in Z.C. Order No. 15-18 and 15-18A shall remain unchanged.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On November 19, 2018, upon the motion of Commissioner Miller, as seconded by Commissioner Shapiro, the Zoning Commission APPROVED the application at its public meeting by a vote of 5-0-0 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the D.C. Register; that is, on December 28, 2018.

[Signatures]

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. HARDIN
DIRECTOR
OFFICE OF ZONING