

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 279

CASE NO. 78-27

JUNE 14, 1979

Pursuant to notice a public hearing of the District of Columbia Zoning Commission was held on March 12, 1979. At this hearing session the Zoning Commission considered an application from Jay John Hellman-Two Lafayette Centre Associates, for approval of a One-Step Planned Unit Development.

FINDINGS OF FACT

1. This application is for approval of a One-Step Planned Unit Development under Sub-section 7501.6 of the Zoning Regulations, which was in effect between October 23, 1977 and February 15, 1979. This application was filed on November 8, 1978, and according to Paragraph 7501.92 of the present Regulations, will be considered under the Regulations in effect on that date.
2. This request is for Phases II and III of the project known as Lafayette Centre. The site is located at 1119 through 1135 - 21st Street, N.W. including lots 888, 87, 110, 811, 815 and 100 in Square 100, comprising approximately 50,800 square feet. As a result of alley closings, an additional 14,957 square feet of land area has been added to the site raising the total site area to 65,240 square feet.
3. The site is currently zoned C-3-B which permits a high bulk major business and employment center for office and retail commercial uses, to a maximum floor area ratio of 6.5, and a maximum height of ninety feet. Additional height and density may be permitted by the Zoning Commission under the Planned Unit Development process.

4. The Zoning Commission approved Phase I of the total development in Case No. 77-25 on November 11, 1977. Lafayette Centre is projected as a four phase development, with the fourth phase dependent upon further assemblies. The total project is being developed on a 2.5 acre site in Square 100 bounded by L, M, 20th and 21st Streets, N.W. The project contains office and retail uses including athletic facilities and other substantial public amenities in the form of coordinated urban design, attractive spaces for public use and pedestrian promenades. The first phase, a 315,000 square foot office/retail building fronting on 20th Street is now under construction. Phases II and III are also office buildings with retail uses on the lower floors.
 5. This application does not request a change in the existing C-3-B zoning. It is a request for an increase in the permissible height from 90 to 110 feet and in the permissible FAR from 6.5 to 7.0. Phases II and III have been designed with a 110 foot height and gross floor areas of 124,307 square feet and 256,636 square feet respectively. The site design also proposes relaxation of the side and rear yard standards.
 6. The subject site is currently occupied by a two-story auto show room, two low rise brick structures in restaurant and bar/disco use, a four-story office structure and an abandoned one-story carry-out.
 7. The effect of the PUD application is to increase the maximum permitted floor area ratio within the C-3-B zone from 6.5 to 7.0 and to increase the maximum permitted height from 90 to 110 feet. The C-3-B zoning permits 100 per cent lot occupancy, but requires a rear yard above a horizontal plane twenty feet above the mean finished grade measured at the middle of the rear wall of that portion of the building. The PUD, in effect, also would result in a waiver of the required 22.9 foot rear yards for Phases II and III. In place of the required rear yards, the applicant is proposing a series of open spaces and pedestrian arcades through the block. The additional requested twenty foot height permits buildings with less ground coverage and makes it possible to develop a significant usable public pedestrian amenity.
-

8. The subject square is located in the western portion of the Central Employment Area. This area has changed rapidly in the last fifteen to twenty years as downtown office development shifted westward focusing on Connecticut Avenue and K Street. There are still several low rise buildings and parking lots scattered throughout the area which are potential office development sites. The subject square includes the last remaining developable parcels of a significant size to permit development of an imaginative mix of buildings and public open space.
9. Most of the new office buildings in this area include ground floor commercial space. The redevelopment of the area on a building-by-building basis has precluded improvements to the street and alley system, and has prevented the creation of plazas, continuous arcades and other pedestrian amenities. While the older Downtown has several parks, this area of the city, which has the highest employment densities, has little or no public park space.
10. There are a variety of uses, building types and densities on Square 100 reflecting development activities of the last century. Several 19th Century low-scale, older buildings remain: two on M Street, one on 21st and a cluster at the corner of 25th and L. While there is one electrical contractor and one electroplater, the rest of the buildings are being used as restaurants. There are two low rise buildings in automotice use; one a car wash, the other a sizable auto dealership. There are also two low rise office buildings; one is being used by CBS and another by Government Services, Inc. The northeast, northwest and southwest corners are occupied by high rise office buildings. The two buildings on the northern corners are of recent construction and include underground parking and ground floor retail shops. The C & P Telephone Company building at 21st and L Streets has underground parking but no retail activity. Adjacent to it on L Street is a small high rise office building with two ground floor shops. Phase I of Lafayette Centre is now under construction.
11. To the north of the square is the mixed-use commercial, embassy-chancery and residential area of Dupont Circle. To the west is the West End area which was recently rezoned to encourage its redevelopment as a relatively high density mixed use predominately residential neighborhood.

12. In recent years, the renewed interest in inner city living, as well as the tremendous growth in office space and employment population has encouraged and supported development of a substantial amount of restaurant and entertainment facilities. Thus, in addition to the expected daytime activity, this area is becoming a center of night time activity as well.
13. New Hampshire Avenue between Washington Circle and U Street is zoned predominantly R-5-D. One parcel was rezoned from R-5-D to C-3-B to permit the development of an office building on Square 72 at 21st and L Streets, N.W. Under the PUD process, this project was granted additional height and bulk. Until Lafayette Centre, it was the only 110 foot building west of 19th Street. The northern portion of this square (72) was zoned C-2 in 1958 but by 1966 it had been rezoned C-3-B. The northern portion of Square 115 south of Dupont Circle between New Hampshire Avenue and 19th Street has been rezoned twice changing separate lots from SP to C-3-B. One of these rezonings, a PUD, involved the transfer of development rights and insured the preservation of the landmark Heurich Mansion. Other major zoning changes have occurred on the eastern edge of the C-3-B District bordering the C-4 or Central Business District zone. While M Street is the northern boundary of the C-4 zone, in 1958 18th Street was the western boundary from M to approximately midway between K and L Streets, at which point the boundary shifted westward to 19th Street south across Pennsylvania Avenue. By 1966, all of Square 107, bounded by K, L, 18th and 19th Streets was zoned C-4 and by 1973, all of Square 106, between L and M was zoned C-4. Since then, the boundary between the C-4 and C-3-B zones has remained 19th Street on the west and M Street on the north. The area to the west in the vicinity of the project has remained C-3-B.
14. The Office of Planning and Development, reported by memorandum dated March 6, 1979, and by testimony presented at the hearing, that this project meets the purposes of Article 75 and provides attractive urban design, desired public spaces, and efficient and economical land uses. The Commission so finds. The OPD recommended that the project be approved in accordance with certain standards, guidelines, and conditions.

15. The Department of Transportation, by memorandum dated March 14, 1979, and by testimony presented at the public hearing reported that additional parking for the site should be evaluated in the context of the entire square. That being the case, the Department has determined that the 759 existing spaces were sufficient to accommodate all workers in the square including those of Lafayette Centre. The DOT recommended a twenty-five percent reduction in the proposed Lafayette Centre parking because the developer showed no indication that the use of these spaces would be controlled. Accordingly, it was expected that the new parking would result in an oversupply for commuter parking and, in fact, generate long term parking use to the detriment of city efforts to divert commuter demands to transit and rideshare vehicles. With the twenty-five percent reduction in the proposed parking for Lafayette Centre, a total of 1,141 parking spaces would be available in Square 100. Of this total D.C. DOT indicated that 703 spaces or slightly over sixty percent would be needed for employees. The remainder of the spaces would, therefore be allocated for short term users.
16. By subsequent memorandum dated March 24, 1979 and May 2, 1979, the Department of Transportation reported that it would find a total of 540 spaces in the proposed development acceptable, if no more than sixty percent of such spaces were used for all-day commuter parking. This would restrict the number of all day parking spaces to 324 in the three phases of the project, only slightly more than the 303 spaces which the Department calculated were needed to satisfy reasonable long term commuter parking demands. The Commission finds that the position of the Department is a reasonable method to achieve the long-range goal of the city, to reduce commuter automobile trips and provide for short term parking to encourage retail service and support uses.
17. The Fire Department via report of the Office of Planning and Development dated March 6, 1979, indicated that it had no problems with the increase in height and FAR. Concerns about the ability of the interior plaza to support fire equipment were resolved in Phase I. Sufficient provision has been made for truck access and equipment maneuverability.

18. The Department of Environmental Services via report of the Office of Planning and Development dated March 6, 1979, indicated it has received the required information on expected water use, sewage and storm water flows. Sewer treatment plant capacity was reserved for Phases II and III on December 13, 1978.
19. The applicant has consulted and met with several community groups in the course of this project's development. The Foggy Bottom ANC 2-A by memorandum dated February 6, 1979, supports the applicants' request, noting the "quality and originality of the design." Advisory Neighborhood Commission 2B, which includes property located directly across 20th Street from the site, by letter dated March 12, 1979, expressed its approval of Phases II and III of this project.
20. 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 and the NCPC reported that the Planned Unit Development with the Guidelines, Standards and Conditions as proposed by the Zoning Commission will not have an adverse impact on the interests or functions of the Federal Establishment in the National Capital.

CONCLUSION OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site.
2. Approval of this One-Step PUD application is appropriate, because it is generally consistent with the present character of the area and because it would encourage stability of the area.

3. The Commission takes note 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.
4. 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.
5. The proposed application can be approved with conditions which would insure that development would not have an adverse effect on the surrounding area.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders approval of the Planned Unit Development for lots 888, 87, 110, 811, 815, and 100 and the area including public alleys in square 100, subject to the following guidelines, conditions, and standards:

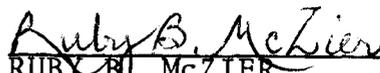
1. The planned unit development shall be developed in accordance with plans submitted to the Zoning Commission prepared by Welton Beckett Associates, dated January 15, 1979, marked as exhibit No. 19 of the record, except as such plans may be modified to conform to the standards listed below.
2. The height of the proposed buildings shall not exceed 110 feet, excluding roof structures. The roof structures shall comply with the requirements of Section 3308 and Paragraph 5201.24 of the Zoning Regulations.
3. The floor area ratio of the proposed building shall not exceed 7.0, exclusive of roof structures.
4. The pedestrian areas and arcades in Phase I shall be linked in a barrier-free manner to those in Phases II and III and provision shall be made for the possible extension of this system in a potential Phase IV.

5. Paving design and materials for Phases II and III shall be similar to those approved in Phase I.
6. Street trees shall be 5 to 6 inches in caliper approved by the Department of Transportation and planted according to DOT specifications.
7. The project shall include such street furniture as benches, planters, decorative water feature, public telephones and clocks. An outdoor kiosk shall contain a directory for the project. Public restrooms including facilities for the handicapped shall be included in the retail area, their location and number depending on the number and size of the retail facilities.
8. In addition to indirect lighting for the covered pedestrian walkways, lights shall be provided to create a special lighting effect compatible with the treatment in Phase I and located in sufficient numbers to meet security requirements.
9. The glass atrium shall be accessible to the public at ground and mall level and provide a connection to the project's buildings at the mall level.
10. Landscaping and other outdoor features should be provided in accordance with the plan marked as Sheet No. 2 of Exhibit 19 of the record.
11. The location of escalators, elevators and off-street loading berths may be adjusted prior to submission of applications for building permits, provided that such changed location does not affect the location of approved alley and easement configurations and provided further that the overall nature and character of the project are not changed. Second floor uses may be adjusted, but shall be office, retail, commercial, or a combination thereof. Final design of glass enclosed galleria, store-front configurations, and minor design elements such as canopys and bay windows, may be further refined.
12. The building may be used for any use permitted in a C-3-B district provided that there shall be a minimum of 20,000 square feet of retail uses on the ground floor of Phases II and III. The development and leasing of ground floor uses shall be given priority to ensure diversity and active use of the street level public space, particularly the city's sidewalks.

13. A variety of commercial and recreational facilities, which generate activity and extend the hours of the use of the buildings and the open spaces, shall be provided contiguous to the public spaces, particularly at the ground level.
14. The total area of the plaza, atrium and arcade areas of Phases II and III shall not be less than 14,000 square feet and shall be open to the general public, with no purchase required for admission, for at least sixteen hours a day, seven days a week. These areas shall be kept clean of debris and all plantings shall be maintained in an attractive and viable condition.
15. Retail uses not requiring permanent structures, such as flower carts, food carts, etc. shall be permitted in the plaza, atrium and arcade areas.
16. There shall be at least one outdoor restaurant at the plaza level in Phases I, II or III which shall be an extension of the adjacent retail space and shall consist of tables with umbrellas and chairs.
17. Retail facilities located on the mall level shall include eating facilities or tables for eating. The atrium should include areas for sitting and observing as well as space for exhibitions and other public events, to be permitted and encouraged by the developer.
18. Parking areas provided in Phases II and III shall be connected to areas developed in Phase I so that access is possible from both 20th and 21st Streets.
19. Parking shall be located in two cellar levels and shall not exceed 291 spaces in Phases II and III. No more than seventy-five of the spaces in Phases II and III shall be devoted to all day commuter parking.
20. A convenient, covered bicycle parking facility shall be provided for a minimum of twenty bicycles for Phases II and III.
21. A minimum of five loading berths shall be provided, which conform to the requirements of Article 73 of the Zoning Regulations, the regulations of the Department of Transportation and the Fire Department, and other applicable municipal regulations.

22. 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 Corporation Counsel and the Zoning Administrator, which covenant shall bind the applicant 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.

Vote of the Commission taken at the public meeting of May 10, 1979: 4-0 (Ruby B. McZier, Walter B. Lewis, and John G. Parsons to adopt, Theodore F. Mariani, to adopt by proxy, George M. White not present, not voting).


RUBY B. MCZIER
Chair
Zoning Commission


STEVEN E. SHER
Executive Director
Zoning Commission

This order was adopted by the Zoning Commission at its public meeting held on June 14, 1979 by a vote of 4-0 (Walter B. Lewis, Theodore F. Mariani, Ruby B. McZier and John G. Parsons to ADOPT, George M. White not voting, not having participated in the case).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 18 JUN 1979.