Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 297-A
Case No. 91-13M/78-21
(PUD Modification @ 1300 Conn. Ave., N.W.)
May 11, 1992

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on January 16, 1992. At that hearing session, the Zoning Commission considered the application of 1300 Connecticut Avenue Joint Venture for a modification to a previously approved planned unit development (PUD), pursuant to chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on August 23, 1991, requested a modification to Zoning Commission Order Nos. 297 and 335 (Z.C. Case No. 78-21), a previously approved planned unit development (PUD) located on the west side of Connecticut Avenue between N Street and Dupont Circle (Square 138, Lots 803 and 804).

2. The original PUD approval was for the construction of one building with a floor area ratio (FAR) of 7.0, including approximately 352,933 square feet of gross floor area, of which a maximum of 48,000 square feet would be devoted to retail use. The building would have a maximum height of 118 feet.

3. The building which is the subject of this modification is the original International Association of Machinists (IAM) building, which was built as a matter-of-right in approximately 1956. The building, located on Lot 804, was joined with new construction on Lot 803 to form one building for zoning purposes. The original PUD approvals permitted no alterations to the existing IAM building except as shown on Exhibit No. 40 of the record in that case. The extent of the permitted changes to the existing IAM building, as shown on Exhibit No. 40, include doorways between the existing building and the new construction.

4. The applicant proposes to renovate the building at 1300 Connecticut Avenue. The site area measures approximately

18,447 square feet, and is currently zoned DCOD/C-3-C. The site is within the boundaries of the recently enacted Dupont Circle Overlay District. No change in zoning is sought in connection with the proposed modification to the previously approved planned unit development. No change in height or FAR is being sought.

5. The C-3-C District permits matter-of-right major business and employment centers of medium high density development, including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum FAR of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one hundred percent.

6. The DCOD (Dupont Circle Overlay District) permits development that is consistent with the nature and character of the Dupont Circle area. This district is mapped in combination with other districts. The permitted heights and densities in the DCOD shall not exceed the heights and densities that are permitted in the underlying zone district.

7. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this modification application as a final-stage PUD. The Commission may also impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified above for height, FAR, lot occupancy, parking, and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as a special exception and would otherwise require approval by the Board of Zoning Adjustment (BZA).

8. The District of Columbia Generalized Land Use Map of the Comprehensive Plan for the National Capital includes the PUD site in the category designated for high density commercial land uses.

9. Pursuant to Z.C. Order No. 297, dated October 11, 1979 (Case No. 78-21), the Zoning Commission approved a consolidated PUD for a mixed-use office/retail building with a maximum FAR of 7.0 and a maximum height of 118 feet. Pursuant to Z.C. Order No. 335, dated March 12, 1981 (Case No. 80-13/78-21M), the Zoning Commission approved design modifications to the previously approved project, including a reconfiguration of the building within its approved envelope to incorporate setbacks at various floor levels, the "filling-out" of the envelope toward N Street, and changes to the facade materials and articulation. No change to the permitted maximum height or FAR was included.

10. The instant application proposes modifications only to the building at 1300 Connecticut Avenue. The modifications include improvements to the lobby entrance and ground floor retail areas, minor design changes to create a new cornice and add two flags, and the inclusion of windows on the blank western wall. The proposed improvements will bring the building up to current building standards. The modifications will also include upgraded mechanical systems and windows, and an entire interior renovation. Zoning Commission approval is not required for this interior work.

11. The entrance and a large portion of the first floor retail space are currently set back from the Connecticut Avenue lot line as much as 24 feet. The applicant proposes to fill in the trianglar-shaped setback with a one-story addition of approximately 765 square feet. To offset this increase, the interior lobby entrance will be renovated, and a portion of the second floor directly above will be removed for added scale and improved appearance. The overall FAR of 7.0 will not change. The retail frontage at the ground floor will also be redesigned and upgraded for a more uniform appearance in the building.

12. All windows in the building will be replaced with more energy efficient windows. In addition, approximately 90 windows will be added to the western wall facing the parking entrance. A new cornice will be added to improve the building's appearance. Two rooftop embellishments and flagpoles on the Connecticut Avenue frontage will also be added. Improvements to the public space will include new pavement at the sidewalk, new tree planting wells and new trees, all of which will be coordinated with the design of the building.

13. The building is located within the boundaries of the Dupont Circle Historic District, and is deemed a noncontributing building to that historic district. Nonetheless, any exterior modifications are subject to review and approval by the Historic Preservation Review Board. The plans proposed by the applicant received conceptual approval by the Historic Preservation Review Board on August 21, 1991.

14. The applicant presented an alternative plan which would extend the ground floor retail area to the corner of Connecticut Avenue and N Street, as well as to add retail entrances along the N Street facade of the ground floor of the building. These additional items are consistent with the spirit and intent of the originally proposed modifications.

15. The District of Columbia Office of Planning (OP), by memorandum dated December 31, 1991, recommended approval of the application and stated the following:

    a. The site is located within the Central Employment Area. The Generalized Land Use Map of the Comprehensive Plan designates the subject site for high density commercial development. The site is zoned C-3-C and is already developed with a commercial office/retail building representing, in part, a planned unit development as approved in Zoning Commission Case No. 78-21.

    b. The proposed modifications to this PUD are designed to upgrade the subject building at 1300 Connecticut Avenue. Although this building was included in a previous PUD approval in 1978, it was constructed in approximately 1956. Due to its age, this building now requires renovation, including new interior systems, new windows, an improved lobby entrance, and roof embellishments.

16. Advisory Neighborhood Commission (ANC) 2B did not participate in this application.

17. The District of Columbia Metropolitan Police Department, according to the report of the Office of Planning, voiced no objection to the application.

18. The Zoning Commission concurs with the recommendation and/or position of OP and finds that the proposed modifications to Z.C. Order Nos. 297 and 335 are reasonable, appropriate, and not inconsistent with the goals and objectives of the original PUD approvals.

19. The Commission finds that the applicant has satisfied the intent and purpose of chapter 24 of DCMR, Title 11, Zoning.

20. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. By report dated March 5, 1992, NCPC found that the proposed PUD modification would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

21. A letter dated February 24, 1992, from the law firm of Wilkes, Artis, Hedrick & Lane was filed on behalf of the applicant requesting the Commission to waive its rules of practice and procedure and correct an error about the height of the

proposed flagpoles on the rooftop of the subject building, prior to the issuance of a final order.

22. On March 26, 1992, at a special public meeting, the Zoning Commission granted the request of counsel for the applicant and approved a correction to proposed Condition No. 5.

23. The correction to proposed Condition No. 5 was referred to National Capital Planning Commission for Federal impact review. By report dated April 30, 1992, NCPC found that the proposed modifications to the PUD would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling development of the subject site because control of the use and site plan is essential to ensure compatibility with the neighborhood.

2. The modification to this PUD carries out the purpose of chapter 24 of the Zoning Regulations, which is to encourage the development of well-planned residential, institutional and mixed-use development which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.

3. The modification to this PUD is compatible with the city-wide goals, plans and programs and will not change the overall nature or character of the original PUD.

4. Approval of this PUD modification is not inconsistent with the Comprehensive Plan for the National Capital, as amended.

5. Approval of this PUD modification is consistent with the purposes of the Zoning Act.

6. The PUD modification can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

7. Approval of this PUD modification will promote development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.

8. The Zoning Commission could not give "great weight" consideration to ANC-2B because the ANC did not participate in the case.

9. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission for the District of Columbia hereby orders modification of the planned unit development for Lot 804 in Square 138 located at 1300 Connecticut Avenue, N.W. and previously approved in Zoning Commission Order Nos. 297 and 335. This PUD approval is subject to the following guidelines, conditions and standards:

1. The modification to the PUD shall be developed in accordance with the plans submitted by Anderson O'Brien Architects, P.C., marked as Exhibit No. 19B, as modified by the guidelines, conditions, and standards of this order.

2. The applicant shall not increase the overall floor area ratio (FAR) of the existing office structure, notwithstanding the various changes that may be made to the existing floor area.

3. The applicant shall construct improvements to the entrance and within the lobby of the building by filling-in a sidewalk level triangular-shaped recess of the building with a one-story addition along with opening up a portion of the existing lobby space to an increased height for a more dramatic visual impact.

4. The applicant shall replace the existing windows with more energy efficient windows in addition to adding 90 windows in the building's existing solid outer rear wall.

5. The applicant shall construct a new cornice along with two roof-top embellishments to improve the overall appearance of the building. The new cornice shall relate architecturally to the cornice of the adjoining building.

6. Subject to Condition No. 2 above, the applicant shall be granted flexibility as follows:

    a. Flexibility to respond to final design, fenestration and material details and issues as approved by Historic Preservation Review Board (HPRB) and staff in final review;

b. Flexibility on interior partitioning and improvements;

c. Flexibility to extend the ground floor to the corner of the property at Connecticut Avenue and N Street, N.W., as shown in Exhibit No. 29 of the record; and

d. Flexibility to vary the location and number of ground floor retail entrances along the street frontage (with associated modifications in public space as necessary), depending upon the location and number of retail tenants in the building.

7. No building permit shall be issued for the PUD modification until the applicant has recorded a "Notice of Modification" of Z.C. Order No. 297 with the land records of the District of Columbia. That Notice of Modification shall include a true copy of Z.C. Order No. 297-A that the Director of the Office of Zoning has so certified.

8. After recordation of said Notice of Modification, the applicant shall immediately file a certificate copy of the Notice of Modification with the Office of Zoning for the records of the Zoning Commission.

9. The Office of Zoning shall not release the record of this case to the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA) until the applicant has satisfied Condition Nos. 7 and 8 of the order.

10. The PUD modification 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 Sub-section 11 DCMR 2407.1. Construction shall start within three years of the effective date of this order.

11. Pursuant to D.C. Code Sec. 1-2531 (1987 Repl. Vol.), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987 Repl. Vol.), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Division/DCRA to approve permits, if the applicant fails to comply with any provision of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at the public hearing on January 16, 1992: By a vote of 3-0 (Tersh Boasberg, William L.

Ensign, and John G. Parsons, to approve with conditions--Maybelle Taylor Bennett and Lloyd D. Smith, not present, not voting).

The Zoning Commission corrected draft Condition No. 5 at the special meeting on March 26, 1992 by a vote of 3-0 (Tersh Boasberg, William L. Ensign, and John G. Parsons, to correct - Maybelle Taylor Bennett, not voting not having participated in the case and Lloyd D. Smith, not present, not voting).

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

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on MAY 29 1992.

TERSH BOASBERG
Chairman
Zoning Commission

MADELIENE H. ROBINSON
Acting Director
Office of Zoning

ZC-297-A/bhs