

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 437 \*  
Case No. 84-13C  
September 10, 1984

The application in Case No. 84-13C is a request for consolidated review and approval of a Planned Unit Development (PUD) and Map Amendment to rezone lot 1 in Square 2046 from C-3-A to C-3-B - Soapstone Valley Limited Partnership, applicant. The property is located at and known as 4401 Connecticut Avenue, N.W. The site comprises 20,753 square feet. The site is located in a C-3-A District at the northeast corner of the intersection of Windom Place and Connecticut Avenue, N.W. The site is presently being used as a used car lot by a Datsun dealership.

The C-3-A District permits matter-of-right development for major retail and office uses to a maximum height of sixty-five feet, a maximum floor area ratio (FAR) of 4.0 for residential and 2.5 for other permitted uses, and a maximum lot occupancy of seventy-five percent for residential uses.

The C-3-B District permits major business and employment centers of medium density development, including office, retail, housing, and mixed uses to a maximum height of seventy feet/six stories, a maximum FAR of 5.0 for residential and 4.0 for other permitted uses, and a maximum lot occupancy of one hundred percent.

Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines, and standards which may exceed or be lesser than the matter-of-right standards identified above.

Existing zoning along both sides of Connecticut Avenue from Veazey Terrace to Albemarle Street is C-3-A with R-1-A and R-5-C to the east and R-1-B to the west. Large areas to the east and west are zoned R-1-B and developed with well maintained single-family residences.

To the north of the site is an undeveloped vacant lot followed by the WJLA building. To the south of the site across Windom Place is the Woodley Liquor Store and Van Ness Center. Immediately to the west, across Connecticut Avenue is an AMOCO gas station, a Safeway, The National Bank of

\* NOTE: This order is rescinded by Z.C. Order No. 446.

Washington building, a motel, a Burger King and a car wash to the north, and the Van Ness Station office building and University of the District of Columbia campus buildings to the south.

The applicant proposes to construct a 90,298 square foot retail/office building with 10,595 square feet of floor area for retail use and 79,703 square feet of floor area for office use. The building would have a lot occupancy of 60.5 percent, a height of 80.5 feet, an FAR of 3.95, seventy-two self-park parking spaces, one loading berth accessible from Windom Place, and 39.5 percent of the site devoted to open space.

On May 14, 1984, by Z.C. Order No. 428 in Case No. 84-2C, the Zoning Commission denied without a hearing, a similar application from the applicant. The denial was without prejudice to the filing of a new application. The Rules of Practice and Procedure before the Zoning Commission permit the re-filing of an application so denied, or the filing of a new application, at any time. The subject application was filed on July 18, 1984.

The subject application, Case No. 84-13C, represents a revision to the previous application, Case No. 84-2C. The subject application is different from the previous application in that:

- a. It provides a mini-park in public space at the southeastern corner of the site;
- b. It promises, by a proposed covenant to the city, to renovate and rehabilitate twenty dwelling units in an existing vacant apartment building at 3220 - 12th Street, N.E., as an off-site amenity to the PUD;
- c. It provides for an improved minority participation package, and
- d. It provides some design changes.

The development objective of the previous application was to construct an office/retail building with 9,755 square feet of floor area for retail use and 75,144 square feet of floor area for office use. The building would have had a lot occupancy of 60.5 percent, a height of 79.5 feet, an FAR of 4.095, seventy-two self-park spaces, one loading berth, and 39.5 percent of the site devoted to open space.

The PUD site is constrained in that the National Park Service (NPS) has a fifty foot easement along the east side of the site. There is also a fifteen foot building restriction line running parallel to Windom Place. Given the NPS easement and the building restriction line, the

applicant is limited to a 10,873 square foot area upon which a building can be placed. The applicant has requested that the City Council remove the Windom Place building restriction line so that the buildable area would be increased to approximately 12,500 square feet. The project is designed on this basis. In as much as the fifty foot NPS easement portion of the site cannot be built upon, the applicant is proposing to extend underground parking into the vault areas located in the rights-of-way of Connecticut Avenue and Windom Place. Access to the parking garage would be from Windom Place.

The applicant contends that the proposed amenities, as follows, are sufficiently worthy of permitting the construction of the project:

- a. The off-site provision of new housing units through the rehabilitation of a vacant building in a moderate-income neighborhood;
- b. A commitment to the D.C. Minority Business Opportunity Commission to provide at least ten percent minority for the contracting construction of the project with a goal of twenty percent;
- c. A pledge to use D.C. residents for apprentices needed to construct the proposed building working with existing programs;
- d. Construction of a new mini-park adjacent to the proposed building;
- e. A design superior to that which can be built as a matter of right;
- f. An appropriate use for the site and the neighborhood;  
and
- g. A significant enhancement of the streetscape.

The District of Columbia Office of Planning, by preliminary report dated August 31, 1984, recommended that the application be set for public hearing. The OP indicated that sufficient issues were raised, through the applicant's amenity package, that should be addressed at a public hearing.

The Zoning Commission did not receive a report from Advisory Neighborhood Commission - 3F concerning this application.

The Commission is mindful of its rationale for denying the previous PUD application in Case No. 84-4C, namely, the lack of amenities and insufficient merit. The Commission notes that the proposed development standards in the subject

application are nearly identical to the development standards in Case No. 84-4C.

The Commission believes that there is a major technical deficiency in the subject application, namely the "off-site amenity." The Commission notes that Paragraph 7501.11 of the Zoning Regulations of the District of Columbia states, in part, the purpose of the PUD as providing for "... attractive urban design and the provision of desired public spaces and other amenities..." The Commission has interpreted "other amenities" as being associated with a particular PUD site and its locale. The major amenity in the subject application is an off-site amenity that is unrelated to the PUD site.

Paragraph 7501.23 of the Regulations states "All the property included in a planned unit development shall be contiguous, except that such property may be separated only by a public street, alley or right-of-way." The Commission is mindful of the applicant's contention that the off-site property is not a part of the PUD. The Commission does not agree with the applicant's contention. The provision of housing at the specified location is the major amenity of the application. The Commission does not accept the argument that such an amenity can be presented but not be considered as part of the PUD application, not subject to the review, approval and control of the Commission.

The Commission believes that the current Regulations do not provide for the consideration of an off-site piece of property in conjunction with a PUD application. The Commission believes that before such consideration should be given, the current Regulations should be amended to provide standards and guidance as to how the Regulations would apply in such a circumstance.

The Commission is mindful of the proposed construction of a mini-park in public space, as another amenity. The Commission, however, has some reservations about the proposed mini-park concept because of possible negative environmental and visual impact that would be experienced by users of the mini-park. The mini-park would be located at the end of a dead-end street that is not well-lighted, and across from and adjacent to loading and parking facilities for adjacent uses.

With the exception of the proposed off-site amenity and the mini-park, the Commission is not persuaded that the balance of the proposal constitutes a significant difference from the amenities proposed in the previous application that was denied, or improvement upon matter-of-right development.

Finally, the Commission would not oppose considering amendments to the text of the Zoning Regulations that would

provide for greater flexibility to encourage the development of off-site housing, in the PUD process. The Commission believes that the current Zoning Regulations do not provide for that kind of flexibility of consideration.

Upon consideration, it is the opinion of the Commission that this application lacks sufficient merit to be set down for public hearing. The proposed development has a technical deficiency and fails to significantly differ from the rationale that was adopted by the Commission when it denied the previous application.

Based on the foregoing reasons, the Commission therefore orders that the application be DENIED, without hearing.

Vote of the Commission taken at its public meeting on September 10, 1984: 3-2 (John G. Parsons, Lindsley Williams, and Walter B. Lewis, to deny without hearing - George M. White and Maybelle T. Bennett, opposed).

  
MAYBELLE T. BENNETT  
Chairperson  
Zoning Commission

  
STEVEN E. SHER  
Executive Director  
Zoning Secretariat