

Government of the District of Columbia
ZONING COMMISSION



Zoning Commission Order No, 445
Case No. 84-17C
December 10, 1984
(Lafayette Center PUD)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on November 8, 1984. At the hearing, the Zoning Commission considered an application from One Lafayette Centre Associates, 1133 21st Street Associates, 1155 21st Street Associates, and Markborough Viking Partnership for consolidated review and approval of a Planned Unit Development pursuant to Section 7501 of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. This application is for consolidated review and approval of a planned unit development for lots 116, 118, 119 and 120 in Square 100. The PUD site is zoned C-3-C. No change of zoning is requested,
2. On September 5, 1984, by letter dated August 31, 1984, the applicants requested the Zoning Commission to grant expedited review and processing to the application, which at that point had not been filed and accepted. The Letters requested the Commission to determine at its public meeting of September 10, 1984, that a public hearing should be held and that such hearing should be held with only thirty days notice instead of forty days as normally required.
3. At the meeting held on September 10, 1984, the Commission determined that it was not prepared to consider the requests for expedited processing, waiver of the Rules and hearing action until a formal application was properly filed and brought before it,
4. On September 20, 1984, the applicants filed a formal application, which was accepted as a completed application by the Zoning Secretariat on September 25, 1984.

5. The Zoning Commission considered the case at a special public meeting held on September 25, 1984. At that time, the applicants renewed their requests for expedited processing and certain waivers of the Rules of Practice and Procedure. The applicants cited the specific time constraints involved with potential development of Phase V of the project as the "good cause" for the waiver of the Rules,
6. Upon review of the applicant's requests, the Commission determined that an adequate basis existed to process the case on an expedited basis and authorized such waivers of the Rules as were necessary to accomplish that processing. Additional notice of the hearing was given in the District Weekly and Real Estate sections of the Washington Post.
7. The subject property is located in the square bounded by 20th, 21st, L and M Streets, N.W. The property has frontage on 20th, 21st and L Streets, N.W.
8. The proposed development, known as Lafayette Centre is divided into five phases. Phase I is located on the west side of 20th Street, on the central eastern portion of the square, and is known as 1120 20th Street, Phase II is located on the east side of 21st Street, on the central western portion of the square, and is known as 1133 21st Street,, Phase III is located on the east side of 21st Street, directly north of Phase II, and is known as 1155 21st Street. Phase IV is located on the south side of M Street, in the central northern portion of the square, and is known as 2020 M street. Phase V is located at the northwest corner of the intersection of 20th Street and L Streets N.W., at the southeast corner of the square across an alley to the south of Phase I, and is known as 2001 L Street , N.W.
9. Phase I was the subject of a planned unit development application in Case No, 77-25 . By Order No, 189, dated November 11, 1977 the Zoning Commission approved that application subject to eleven guidelines, conditions and standards. The findings of fact and conclusions of law set forth in that Order are incorporated herein by reference. Pursuant to that Order, the applicants constructed a ten story office/retail building,
10. Phases II and III were the subject of a planned unit development application in Case No. 78-27. By Order no. 279, dated June 14, 1979, the Zoning Commission approved that application subject to twenty-two guidelines, conditions and standards. The findings of fact and conclusions of law set forth in that Order are incorporated herein by reference. The ten story

retail/office buildings authorized by that order are now under construction.

11. Phase IV is currently owned by CBS Inc. and is developed with a building which houses broadcast facilities and offices for CBS in Washington. The applicants submitted plans showing the development of that site with a ten story office/retail building. However, CBS Inc. is not an applicant in this proceeding, and the plans for Phase IV are not before the Commission for action. The plans are illustrative of what might be constructed as part of the overall development on the Phase IV site if appropriate arrangements with CBS can be worked out..
12. Phase V of the project is owned by the Markborough Viking Partnership, and consists of 17,134.24 square feet of land area. The site is generally rectangular in shape, and has a frontage of 135.05 feet on L Street and 126.58 feet on 20th Street, The site is presently partly improved with two story structures used for retail and office uses. The remainder of the site is used for surface parking,
13. The Phase V site is bounded on its north side by a twenty foot public alley which separates that site from the Phase I building.
14. The subject application includes all **of** the property included in Phases I, II, III and V. No action is requested of the Commission concerning Phases I, II and III. The applicant proposes that use and development of those sites be controlled by the previously referenced Orders No. 189 and 279.
15. The proposed Lafayette Centre Phase V building will be a ten-story office/retail structure built to a height of 110 feet, with one underground level of office/retail space and two underground levels of parking for sixty-nine automobiles.
16. The C-3-C District permits, as a 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 ,
17. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated or preliminary PUD, The Commission may also impose development conditions,

guidelines , and standards which may exceed or be lesser than the matter-of-right standards identified above,

18. This application does not request a change in the existing C-3-C zoning. It requests an increase in the permissible height from ninety to 110 feet and in the permissible floor area ratio from 6.5 to 6.85, when the four phases of Lafayette Centre included in the application are considered as a whole. The **four** phases will contain 849,542 square feet of gross floor area on a land area of 123,912 square feet.
19. If measured as a single building on its own lot, the Phase V building would have a gross floor area of 155,445 square feet, which would be equivalent to an FAR of 9.0456 excluding public arcade areas,
20. The guideline for height in a PUD in the C-3-C District as set forth in Paragraph 7501.41 is 130 feet. The guideline for FAR as set forth in Paragraph 7501.43 is 7.0.
21. Square 100 is located near the western boundary of the Central Employment Area, which is at New Hampshire Avenue , N.W. The site is close to the Dupont Circle area to the north, the West End area to the west, and the Foggy Bottom to the south, The immediate area is developed with high-rise buildings, which contain office/retail uses, including numerous restaurants, all of which contribute to significant after-hours activity in the area as well as high employment during the day.
22. Prior to the time the present application was filed, the owner of the Phase V site, the Markborough Viking Partnership, had formulated plans to construct an office/retail building as a matter-of-right under the applicable C-3-C District regulations, The Markborough Viking Partnership had no legal. connection with the owners of Phases I, II, and III of Lafayette Centre, The proposed building was not part of the Lafayette Centre Master Plan that had been presented to the Zoning Commission in the earlier cited proceedings in 1977 and 1979. It was on the eve of ground-breaking for the "matter-of-right" building by Markborough Viking that an arrangement to include Lot 120 as part of the Lafayette Centre planned unit development was achieved.
23. The design of the Phase V ten story structure now proposed as part of the PUD will be in harmony with Phase I of Lafayette Centre to its north, across an existing public alley that will remain open. By careful design and quality of finishes, Phase V, along with the building on the other side of Phase I, will. frame Phase I and highlight the entrance to the public

spaces in the interior of Square 100, At the same time that the proposed building's scale, massing, and amenities make it a key component of the Lafayette Centre Master Plan, Phase V will be a well-designed structure in its own right,

24. An important feature of the overall Lafayette Centre PUD is a public arcade along 20th Street, N.W. This is a twenty foot wide three-story high public space that, with its finishes, contributes a significant benefit to the urban streetscape. If the Markborough Viking "matter-of-right" building were constructed, the arcade would end abruptly at the alley between Phases I and V, and this important amenity would be significantly diminished. The proposed Phase V building will continue the arcade down to the intersection of 20th and L Streets, N.W., reduce vehicular traffic in the alley between Phases I and V, and create better pedestrian and vehicular traffic patterns in the area.
25. The Phase V building will be covered with a masonry material that is sympathetic to the finish of the buildings of Phases I, II and III of Lafayette Centre. This material may be Alabama Limestone, granite or cast stone. Phase V will be of a lighter color than Phase I of Lafayette Centre, thereby serving its flanking function for Phase I of Lafayette Centre. All exposed surfaces of the facade of Phase V will be done in a consistent manner, with no change in material or finish at the alley elevation. Consistent with the other Lafayette Centre buildings, the Phase V facade will have 20-foot-wide structural bays emphasized by appropriate vertical reveals, thereby continuing the established visual rhythm along 20th Street towards L Street.
26. The design of the facade of Phase V will be specially treated at the ninth and tenth floors to continue the theme of the two top stories of the other buildings in the project. The lower three floors will be set back from the building line to a depth of one twenty foot bay, thereby extending the grand pedestrian arcade from Phase I of Lafayette Centre.
27. All paving around the proposed Phase V building will be consistent with the paving pattern and material of the rest of the project, including its tree grates. The trees and decorative lighting fixtures currently at the front of Phase I of Lafayette Centre will be continued to the corner and along L Street to the garage entry. Storefronts in the arcade will be designed in a manner similar to the attractive bay window storefronts of Phase I. The new arcade portion will be lit by chandelier-like fixtures, creating a consistent vista along 20th Street,

28. Square 100 is an important bridge area between the Central Employment Area and nearby neighborhoods. It is the last square in that area with enough underdeveloped property that can be assembled to allow design flexibility and the provision of public amenities. The proposed project meets city-wide and neighborhood goals and **programs** by providing public spaces and pedestrian areas where they are badly needed
29. The project has been designed to maximize environmental protection and energy conservation in the context of modern office buildings. Phases I, II, and III have been carefully designed to minimize vehicular traffic on M Street and to permit the more efficient flow of vehicles on both 20th and 21st Streets. Phase V, which is separated from the other Lafayette Centre structures by a public alley, will have its own garage with access from L Street. This will separate vehicular traffic from Lafayette Centre pedestrian traffic.
30. To the extent that Phase V is built to a greater height and density than some nearby structures, the sensitive design treatment will make this difference imperceptible. The building will be at the same height as the other phases of Lafayette Centre. Without the design flexibility afforded by the additional height and density that the PUD process makes available, the public spaces and other amenities provided by the project would not be feasible.
31. The Phase V building as proposed would have sixty-nine parking spaces in two levels underground. It is unlikely that those spaces could be connected to the parking garage in the Phase I building, because the public alley that would have to be crossed contains major underground telephone trunk lines, including lines that are essential to national security. If such a connection were to be made, it would have to be at the lowest level,
32. If the Phase V building was being constructed as a matter-of-right in a C-3-C District, between seventy-eight and ninety-seven parking spaces would be required. The building as proposed would contain sixty-nine spaces. A portion of the first cellar, which in many buildings would be devoted to parking, is proposed for retail and/or service uses. The Commission finds that there is adequate parking in the PUD as a whole to serve the entire development. The Commission further finds that the provision of additional retail/service space below grade is a desired aspect of the project. The Commission will allow alternate use of that space for parking, at the applicant's option.

33. The revised plans submitted for the Phase V building show three loading berths, each twenty feet long by twelve feet wide, at the first floor level with access off the alley. There would be no loading berth capable of accommodating tractor-trailers, which require a fifty-five foot berth.
34. L Street is a minor arterial street with an average daily traffic volume of 18,300 vehicles near the site. The street is forty-four feet wide and runs one-way eastbound. Parking is prohibited from 7:00 A.M. to 9:30 A.M. and from 4:00 P.M. to 6:30 P.M. on the south side of the street. On the north side, parking is prohibited from 9:30 A.M. to 4:00 P.M.
35. Twentieth Street is a collector street with an average daily traffic volume of 11,900 vehicles near the site. The street is forty-four feet wide and runs one-way northbound. Two-hour metered parking is allowed on the east side between 9:30 A.M. and 4:00 A.M. Parking is prohibited on the west side at all times,
36. The site is within the service areas of four operating Metro stations, Dupont Circle, Farragut North, Farragut West and Foggy Bottom. These stations are between 1,300 and 2,000 feet from the site. In addition to Metrorail, there is high frequency bus service available to the site on 20th and 21st Streets. This bus service connects downtown Washington with upper Northwest and also feeds nearby Metrorail stations..
37. The Office of Planning, by memorandum dated October 26, 1984 and by testimony at the hearing, recommended that the application be approved. The Office of Planning noted that outstanding feature of this project is that it proposes to encompass the major portion of Square 100 with a PUD that would provide pedestrian and vehicular linkages under one unified and harmonious design and development scheme. The proposed Phase V would carry the existing three-story pedestrian arcade of Phase I facing 20th Street to the intersection with L Street. It would also continue the special streetscape including antique street lamps, trees, and decorative paving along 20th Street. The general fenestration pattern and height of existing Phase I would also be carried to the corner. In the view of the Office of Planning, the proposed project is Likely to enhance greatly the urban design and urban Life quality in the area.
38. The Office of Planning believed that the additional FAR allocated to this site by the PUD is amply justified by the public benefits noted above. The Office of Planning recommended that the subject application be approved

with conditions that would ensure that the materials, other elements and streetscape in Phase V would be compatible with the previously approved and already constructed portions of the Lafayette Center project. The Commission concurs with the findings and recommendations of the Office of Planning,

39. The Department of Public Works (DPW), by memorandum dated November 1, 1984, reported that the project will provide sixty-eight vehicle spaces under Phase V. Since a portion of the site is used as a commercial parking lot with approximately fifty parking spaces and these spaces will be displaced by the PUD, there will be a net gain of eighteen spaces. The approved parking under Phases I, II and III of the PUD amounts to 495 spaces. The parking proposed for this phase would bring the total supply for both retail and office to 563 vehicle spaces. The DPW reported that this level of parking is adequate to service the Lafayette Centre development.
40. The DPW noted that there will be nine loading berths to accommodate the Lafayette Centre project. The DPW estimated that this level of off-street loading is more than adequate to meet future demand for truck service deliveries. The DPW supported the proposed circulation pattern, which places vehicular access to the garage on L Street, one-way eastbound, and truck deliveries on 20th Street, one-way northbound. This arrangement will eliminate conflict between automobiles and trucks entering and leaving the site.
41. The DPW further reported that there is adequate water and sewer capacity available to service the site. The Commission concurs with the findings of the Department of Public Works.
42. The Fire Department, by memorandum dated October 23, 1984, reported that the approval of the request to construct Phase V of Lafayette Center Project at 20th Street, N.W., in Square 100 would not adversely effect the operations of the Fire Department.
43. Advisory Neighborhood Commission 2A, by resolution dated August 29, 1984, advised the Commission that it supported the project. The ANC noted that it had reviewed and approved this project as it has continued to evolve on numerous occasions since 1977, including passing supportive resolutions in 1977, 1978, 1979 and 1980, and testifying in support at appropriate public hearings. The ANC noted that it had reviewed the implications for streetscape, pedestrian flow and urban context of the proposed Phase V building, in comparison to what would be developed as a matter-of-right. The

ANC strongly preferred the proposed Phase V building, and urged the Commission to act expeditiously. The Commission concurs with the findings and recommendations of ANC 2A.

44. Advisory Neighborhood Commission 2B, which includes property directly across 20th Street to the east, by letter dated September 14, 1984, supported the application, to help complete development of the square in accordance with the overall Lafayette Centre plan and to extend the pedestrian circulation links of the plan to L Street, The Commission concurs.
45. Councilmembers Jerry A. Moore, Jr., by letter dated September 7, 1984, and John A. Wilson, by letter dated September 10, 1984, urged prompt treatment of the application.
46. The West End Citizens Association, by letter dated August 28, 1984, the President of the Dupont Circle Citizens Association, by letter dated August 31, 1984, the President of the Foggy Bottom Association, by letter dated August 29, 1984 and the President of the Residential Action Coalition, by letter dated November 7, 1984, all supported the project.
47. One individual appeared at the hearing in opposition because the project did not include housing which would support the retail and service establishments in the project. She also alleged that the fire lanes were inadequate for fire apparatus. The Commission finds that there is no requirement for residential use in this project. The Commission further finds that, based on the report of the Fire Department, there are adequate fire safety precautions in the design of the project, Fire safety features as to the building and requirements of other codes will be reviewed when application is made for a building permit.
48. 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, The NCPC reported that, subject to the conditions approved by the Zoning Commission, 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.

2. The approval of this PUD carries out the purposes of Article 75 to encourage the development of well-planned commercial and mixed-use developments that will offer a variety of building types with more attractive and efficient overall planning and design than is achievable under matter-of-right development.
3. The development of this PUD is compatible with city-wide and neighborhood goals, plans, and programs, and is sensitive to environmental protection and energy conservation.
4. The approval of the PUD application is consistent with the purposes of the Zoning Act.
5. The application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community but will enhance the neighborhood and will help ensure neighborhood stability.
6. The approval of this application will promote orderly development and conformity with the entirety of the District of Columbia Zone Plan, as embodied in the Zoning Regulations and Map of the District of Columbia.
7. The Zoning Commission has accorded to the Advisory Neighborhood Commission 2A the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law set forth above, the Zoning Commission hereby orders approval of a consolidated Planned Unit Development for Lots 116, 118, 119, and 120 in Square 100, bounded by 20st, 21st, L, and M Streets, N.W. The approval is limited to Phases I, II, III and V, as set forth in more detail below. As noted in Finding of Fact No. 11, those parts of the subject application which refer to Phase IV were for information only. The Commission takes no action on Phase IV by this decision, nor does it take any position on the merits of Phase IV if an application for approval of that Phase should come before the Commission in the future. Approval of Phases I, II, III and V is subject to the following conditions, guidelines, and standards:

1. Development and use of Lot 116 in Square 100, known as Phase I of the planned unit development, shall be controlled by the guidelines, conditions and standards set forth in Zoning Commission Order No. 189, dated November 11, 1977, except as permitted in Condition No. 3G, below,

2. Development and use of Lots 119 and 118 in Square 100, known as Phases II and III, respectively, of the planned unit development, shall be controlled by the guidelines, conditions and standards set forth in Zoning Commission Order No. 279, dated June 14, 1979,
3. Development and Use of Lot 120 in Square 100, known as Phase V of the planned unit development, shall be subject to the following guidelines, conditions and standards:
 - A. Phase V shall be developed in accordance with the plans marked as Exhibit No. 15 of the record, as modified by the guidelines, conditions and standards of this order.
 - B. The building may be used for any use permitted as a matter-of-right in the C-3-C District. That portion of the first cellar to be used for "retail," shown on the floor plan labeled "Basement 1" of the plans marked as Exhibit No. 55 of the record, shall be used only for retail and service uses permitted as a matter-of-right in the C-3-C District, except as set forth in Condition F, below.
 - C. The floor area ratio for the entire project, including Phases I, II, III and V, shall not exceed 5.355, exclusive of roof structures. For Phase V, the floor area ratio shall not exceed 9.24.1.
 - D. The height of the building shall not exceed 110 feet. The elevation of the roof shall be at the same elevation as the roof of the Phase I building, The elevations of the ninth and tenth floors shall also be at the same level as the ninth and tenth floors of the Phase I building.
 - E. The roof structure shall not exceed 18.5 feet in height above the level of the roof upon which it is located. The elevation of the roof of the roof structure shall be at the same elevation as the roof of the roof structure of the Phase I building. The floor area ratio of the roof structure shall not exceed 0.37.
 - F. A minimum of sixty-nine parking spaces shall be provided, as shown on the plans marked as Exhibit No. 55. That portion of the first cellar to be used for "retail," shown on the floor plan labeled "Basement 1" of the plans marked as Exhibit No. 55 of the record, may be converted to parking.

- G. The applicant may provide an underground connection between the parking garage in Phase V and the parking garage in Phase I.
- H. Loading berths shall be provided in the location shown on the "Ground Floor Plan" of Exhibit No. 55. That plan shall be modified to provide one Loading berth fifty-five feet long and twelve feet wide and one loading berth twenty feet long and twelve feet wide. Loading platforms of 200 and 100 square feet, respectively, shall be provided. No trash handling equipment or dumpsters shall be stored in the area of the loading berths or platforms.
- I. The color of the exterior of the Phase V building shall be lighter than that of the Phase I building.
- J. The height and width of the pedestrian arcade shall match the height and width of the arcade in the Phase I building, The arcade shall be barrier-free.
- K. Paving design and materials, including tree grates, street lights and store fronts, shall be similar to those approved and constructed in the Phase I building.
- L. Street trees shall be five to six inches in caliper, approved by the Department of Public Works and planted according to the specifications of the Department of Public Works.
- M. No building permit shall be issued for Phase V of the planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the Office of the Corporation Counsel and the Zoning Regulations Division, which covenant shall bind the applicant and successors in title to construct on and use this property in accordance with this Order, or amendments thereof, of the Zoning Commission. When the covenant is recorded, the applicant shall file a certified copy of that covenant with the records of the Zoning Commission.
- N. 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.

Vote of the Commission taken at the public meeting on November 19, 1984: 3-0 (Patricia N. Mathews and Lindsley Williams to approve with conditions - Maybelle T. Bennett to approve with conditions by absentee vote -- George M. White and John G. Parsons not voting, not having participated in the case).

This order was adopted by the Commission at its public meeting held on December 10, 1984 by a vote of 3-0 (Lindsley Williams, Patricia N. Mathews and Maybelle T. Bennett to adopt as amended - George M. White and John G. Parsons not voting, not having participated in the case).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on 21 DEC 1984.



MAYBELLE T. BENNETT
Chairperson
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat