

**Government of the District of Columbia**  
**ZONING COMMISSION**



ZONING COMMISSION ORDER NO. 453\*  
Case No. 84-19C  
April 8, 1985

(B & W Garage - PUD)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on February 4, 14, and 21, 1985. At those hearing sessions, the Zoning Commission considered an application from Philip J. Brown et al, and the 1250 Twenty-Fourth Street Associates Limited Partnership for consolidated review and approval of a Planned Unit Development (PUD) , 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. The subject application, which was filed on September 28, 1984, requested consolidated review and approval of a PUD for lot 834 in Square 24 located at 1250 - 24th street, N.W. No change of zoning was requested.
2. The PUD site is zoned CR, comprises approximately 46,444 square feet of land area, and is improved with the two-story B & W Garage,
3. The application proposes to redevelop the PUD site with an office/retail building.
4. The CR District permits matter-of-right medium/high density mixed-use development, including housing, office, retail, and service uses, and limited light manufacturing uses to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.0 with non-residential uses limited to 3.0 FAR, and a maximum lot occupancy of seventy-five percent for residential uses ,
5. 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 the lesser than the matter-of-right standards identified above,

6. The zoning pattern in the area of the PUD site includes CR to the immediate south with @--2-C, R-5-D, and R-5-B beyond; CR to the immediate east with R-5-E and R-5-U beyond; CR to the immediate north with unzoned property beyond; and CR to the immediate west with unzoned property beyond.
7. The PUD site is located in the area known as the West End. The site is developed with a two-story parking garage of 1925 vintage and constructed by the old Black and White (B&W) Taxicab Company to house its operations .
8. To the south of the site in the same square is the Westin Hotel which is under construction. Further south across M Street is the Columbia Hospital for Women . To the north and west of the site in the same Square are the U.S. News and World Report building and the Bureau of National Affairs building. Further north across N Street is Francis Junior High School and beyond that to the north and west is Rock Creek Park. To the east of the site and across 24th Street is the Hyatt Hotel that is under construction, Beyond that and to the northeast is the core of the residential uses in the West End area. The Regent Hotel is located at the southeast corner of the intersection at 24th and M Streets, N.W.
9. The applicants propose to redevelop the PUD site with an office/retail building which will preserve and incorporate the front facade of the existing B & W Garage into the new building proposed to be constructed behind it.
10. The development will be eight stories or approximately ninety feet in height, with a Lot occupancy of sixty-three percent, an FAR of 4.5, and enough parking to accommodate 141 cars. The proposed structure will have approximately 209,000 square feet of gross floor area; up to 17,000 square feet would be for retail uses and the balance would be devoted to office uses,
11. The applicants, through their historic preservation consultant, testified at the hearing that the B & W Garage is an early concrete parking garage in the city and a good example of a reinforced concrete structure, The design of the building's formal facade is characterized by its ties to classical sources with only hints at the functional purpose of the interior spaces. The symmetric facade mixes motifs drawn from classical and modern sources . The two story entrance, which is designed in a classical manner, is juxtaposed with

abstracted forms and industrial finishes. The applicants' witness concluded that the facade was of architectural merit deserving of preservation and that the design proposed successfully preserved the facade,

12. The applicants also testified that the preservation of the facade provides a historical link to the present with an old industrial structure in the area. The significance of the B & W Garage lies in its design which illustrates the conflict commonly seen in the early 20th century architecture between the desire to maintain traditional design ideals and the need to provide for new functions. It is an early example of a large reinforced concrete parking garage, has an important association with the prominent Black and White Taxicab Company and Washington's early taxicab industry, and has an important role in the area's streetscape contributing to its visual appearance as well as to its associational value. Although the subject site does not have a historic designation, the retention of the facade will be a valuable asset to the area.
13. The applicants, by testimony presented at the public hearing, indicated that, if they could get access to the original drawings of the B&W Garage, they would submit them to the Columbia Historical Society or some other comparable group that is concerned about historic values.
14. The facade of the proposed office/retail building is bow-shaped and projects forward at its central part up to the existing two-story entrance facade. A sculptural embellishment to the full height of the facade is provided at the central point. The main features of the design in addition to historic preservation include the creation of garden space between the new structure and the existing old brick wall, an arcade that leads into the building from 24th Street and out to the rear, an atrium, and substantial open spaces at the rear and north side of the building.
15. The applicants, through their architect, testified that the following amenities and objectives would be achieved by the proposed PUD:
  - a. Retain the existing front facade thereby promoting the historic preservation objectives of the CR District as stated in Section 4501.1(b) of the Zoning Regulations;
  - b. In response to community requests, the applicants have designed space for retail use on the atrium/garden level and will market this space

solely for retail. use during the pre-construction and construction periods;

- c. Enhance the permanent character and stability of the neighborhood through the improvement of an under-utilized site;
  - d. Provide special. amenities within the project including open space, landscaping, and a substantial atrium;
  - e. Develop superior design which imaginatively combines the old with the new:
  - f. Contribute to the goals of the District of Columbia Minority Business Opportunity Commission (MBOC) by awarding at least ten percent, with a goal of twenty percent, of the construction subcontracts to qualified minority business enterprises; and
  - g. Provide jobs for D.C. residents and additional real estate taxes, and income and sales taxes after the development is occupied.
16. The applicants subsequently indicated in writing to the Minority Business Opportunity Commission (MBOC) their intention to make a good faith effort to award twenty-five percent of the construction related contracts to certified minority owned and operated business and will guarantee to award fifteen percent of such contracts to certified businesses.
17. The applicants, by report of their traffic consultant dated August 1984 and by testimony presented at the public hearing, indicated that the proposal would not adversely affect traffic in the area, The applicants, through their supportive material, notes that the proposal met the parking standards of the Zoning Regulations in effect at the time of filing as well as meets the parking standards of the Zoning Regulations that became effective on March 1, 1985.
18. The applicants, through their supportive material, proffered that the proposal conforms to the established city-wide and neighborhood goals, plans, and programs, and that it is consistent with the policies and objectives of the District of Columbia. The Commission finds that approval of the application would create zoning that is not inconsistent with the Comprehensive Plan,
19. The District of Columbia Office of Planning (OP) , by

memoranda dated January 25 and March 11, 1985, and by testimony presented at the public hearing, recommended approval of the application, subject to proposed development conditions, guidelines, and standards. The initial recommendation of the OF was to approve the application with a maximum of 4.0 FAR because of the lack of a strong commitment by the applicants" for inclusion of retail uses. The OP modified its recommendation to approve the application with the requested 4.5 FAR because of the minority business opportunity commitments, and inclusion of retail uses commitments by the applicants.

20. The District of Columbia Department of Public Works (DPW), by memorandum dated January 25, 1985, reported that the proposed development provides sufficient parking and that the traffic generated by the development could be accommodated on the surrounding street system without creating any objectional conditions. The DPW recommended that the applicant coordinate the final location and design of, and access to, the proposed parking and loading spaces with the Department of Public Works. The DPW also recommended that the applicants provide six parking spaces for bicycles in the project,
21. Advisory Neighborhood Commission 2A, by report dated January 25, 1985 and by testimony presented at the public hearing, supported the proposal because of the preservation of the R&W Garage facade, the inclusion of retail uses, the discouragement of commuter parking, the proposed open space at the rear of the building, and the development of the site at a lower FAR of 4.5 for an office/retail building, in lieu of a higher matter-of-right FAR of 6.0 for a hotel.
22. At the public hearing, nine persons testified in support of the proposal for reasons that included, but is not limited to, the following issues:
  - a. The preservation of the B & W Garage facade;
  - b. Revitalization of the West End area;
  - c. Aesthetic benefit to the area;
  - d. Inclusion of retail uses;
  - e. Development at a lower FAR than what would be permitted as a matter-of-right;
  - f. Economic benefits to minorities; and
  - g. Involvement of the community in the project,

23. In addition to the aforementioned parties and persons, one letter in support was filed into the record,
24. The Boston Properties and the U.S. News and World Report, party in the proceedings, opposed the proposal for reasons related to aesthetics, architecture, and the design of the project, and requested that the building design be changed. The opposition party identified the following issues as reasons for its opposition:
  - a. The scale and penthouse are too large;
  - b. The style and the front Facade materials are incompatible with the area; and
  - c. There is no historical significance for the preservation of the B & W Garage facade,
25. The opposition party, through its construction consultant, testified at the public hearing that the requested design changes could be made to the proposal at less cost to the applicants than the cost of the proposal\*
26. One person testified in opposition at the public hearing for reasons related to bulk and loading concerns.
27. In addition to the aforementioned party and person in opposition, there was one letter filed in opposition.
28. The Commission concurs with the recommendation of the Office of Planning to approve the application, subject to development conditions, guidelines, and standards.
29. The Commission concurs with the findings and recommendations of the Department of Public Works. The Commission notes that the proposed parking standards exceed the minimum parking standards of the previous and recently amended parking requirements of the Zoning Regulations,
30. The Commission concurs with the position of the ANC-2A and the persons in support, and believes that in its decision has addressed the concerns of ANC-2A.
31. As to the concerns of the party and person in opposition, the Commission finds the following:
  - a, The scale and bulk of the project are within the development limits of certain matter-of-right uses; e.g. , apartment buildings and hotels;
  - b. The penthouse is within the height and FAR limits

- as prescribed by the Zoning Regulations;
- c. The front facade of the project is not objectionable to the Commission and is not incompatible with the mixed-use flavor of the CR District;
  - d. The loading functions are not objectionable to the Commission nor the DPW; and
  - e. The historical significance of the facade was documented by the applicants? historic preservation consultant and by a member of the Brown family,
32. The Commission finds that, pursuant to Paragraph 7501.43 of the Zoning Regulations, the applicants have demonstrated public benefits and other meritorious aspects of the proposal, including but not limited to Findings No. 15 and 16 of this order, to warrant exceeding the PUD guideline of a 4.0 non residential FAR.
33. 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, by report dated April 4, 1985, found that, subject to the guidelines, conditions, and standards proposed by the Zoning Commission at its public meeting on March 14, 1985, 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 purpose of Article 75 to encourage the development of well-planned developments that will offer a 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 and not inconsistent with the Comprehensive Plan of the District of Columbia.

5. The application can be approved with conditions which ensure that the development will not have an adverse affect 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 herein, the Zoning Commission of the District of Columbia hereby orders that this application for consolidated review and approval of a PUD for lot 834 in Square 24 located at 1250 - 24th Street, N.W., be APPROVED, subject to the following conditions, guidelines, and standards:

1. The planned unit development shall be developed under the existing CR District. There shall be no change of zoning for the planned unit development,
2. The planned unit development shall be developed in accordance with the plans prepared by the architectural firm of Don M. Hisaka and Associates, marked as Exhibits No. 19B and 47 of the record, as modified by the guidelines, conditions and standards of this order,
3. The planned unit development shall consist of one new building, incorporating the preservation and restoration of the east facade of the existing B&W Garage, as shown on the plans.
4. The building shall be limited to office use and shall contain a minimum of 17,000 square of floor area devoted to retail sales or services, restaurants,, or private or public theaters, as shown on the plans.
5. The floor area ratio of the project shall not exceed 4.5, not including roof structures.
6. The height of the building on 24th Street shall not exceed ninety feet.

7. Roof structures shall not exceed eighteen feet, six inches in height above the level of the roof upon which they are located. The floor area ratio for all roof structures shall not exceed 0.37,
8. Any antennas located on the roof, including dish antennas, shall be located no closer to the front of the building than the eastern edge of the roof structure over the atrium. No antenna shall be located on top of any roof structure.
9. The percentage of lot occupancy shall not exceed sixty-three percent.
10. There shall be a minimum of 141 parking spaces provided. Handicapped and bicycle parking spaces shall be as shown on Ex. No. 66.
11. Landscaping shall, be provided as shown on the plan marked as Sheet 6 of Exhibit No. 47. The size, type and location of street trees shall be as determined by the Department of Public Works. Access for the handicapped shall be as shown on Sheet 6 of Exhibit No. 47.
12. The applicants shall make a good faith effort to award at least twenty-five percent of the dollar value of construction related contracts for the project to Certified Minority Business Enterprises. The applicants shall award at least fifteen percent of the dollar value of those contracts to such enterprises, The applicants shall provide the Zoning Administrator with evidence, in the form of a letter from the District of Columbia Minority Business Opportunity Commission, that these two conditions have been met prior to the issuance of a certificate of occupancy for the building,
13. Mirror architectural modifications may be made to the plans, such as architectural treatment of windows and the architectural treatment of the front entrance. The shade of the brick and facade glass shall be as shown an Exhibit No. 65A.
14. No building permit shall be issued for this planned unit development until the applicants have 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 applicants 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 applicants shall file a certified copy of that covenant with the records of the Zoning Commission,

15. 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 March 14, 1985: 4-0 (John G. Parsons, Patricia N. Mathews, Maybelle T. Bennett, and Lindsley Williams, to approve with conditions - George M. White, not present not voting) .

This order was adopted by the Commission at its public meeting held on April 8, 1985 by a vote of 5-0 (John G. Parsons, Patricia N. Mathews, George M. White, and Lindsley Williams, to adopt as amended and Maybelle T. Bennett, to adopt by absentee vote).

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 3 MAY 1985.

  
MAYBELLE T. BENNETT  
Chairperson  
Zoning Commission

  
STEVEN E. SHER  
Executive Director  
Zoning Secretariat

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