

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 472
Case No. 84-20P
(Donohoe - PUD)
October 7, 1985

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on April 15, 18, 22, 25 & 29 and May 6, 9, 20, 23 & 30, 1985. At those hearing sessions, the Zoning Commission considered applications from the Donohoe Companies, Inc., the Chevy Chase Land Company of Montgomery County, and the National Security & Trust Company (NS&T) for first-stage (preliminary) review and approval of a planned unit development (PUD) and related map amendment, pursuant to Sections 7501 and 9101, respectively, 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 applications, which were filed on October 24, 1984, requested preliminary review and approval of a PUD and related change of zoning from R-5-B, C-2-B and C-3-A to C-3-C for lots 20, 21, 23 and 810 in Square 1661 with portions of a public street and alley proposed to be closed.
- 2 The applicants propose to construct a mixed-use development including hotel, office and retail uses,
- 3 The PUD site is split-zoned as described above, located at the east corner of the intersection of Western and Wisconsin Avenues, N.W. adjacent to Montgomery County, Maryland, comprises approximately 95,656 square feet of land area, and is improved with several small buildings plus several surface parking lots.
- 4 The R-5-B District permits matter-of-right medium density development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8, and a maximum height of sixty feet.
5. The C-2-B District permits matter-of-right medium density development including office, retail, and all kinds of residential uses to a maximum FAR of 3.5 with

non-residential uses limited to 1.5 FAR, a maximum height of sixty-five feet, and a maximum Lot occupancy of eighty percent for residential uses.

6. 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 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,
7. The C-3-C District permits 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.
8. 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.
9. The Generalized Land-Use Element Map of the Comprehensive Plans shows the area in the vicinity of Square 1661 to include a Mixed Use Medium Density Residential category and Medium Density Commercial category. The subject area is also identified as a commercial regional center, and a Metrorail station development opportunity area.
10. The zoning pattern in the area includes R-2 zoning to the east, R-5-B zoning to the northeast and southeast with R-2 beyond, C-2-B zoning to the south with R-5-B, C-2-A, and R-2 beyond, C-3-A zoning to the southwest with C-2-A and R-2 beyond, and Montgomery County, Maryland to the west, northwest and north.
11. Uses in the area include the two-story NS&T Bank building at the east corner of Wisconsin and Western Avenues with the drive-in facility of the bank to its east. South of the NS&T Bank, along Wisconsin Avenue, are the two-story First American Bank building and to its south, the vacant one-story Interstate Bank building. All of the above mentioned structures will be razed, The existing surface parking lots on the balance of the PUD site will be eliminated.
12. The rest of Square 1661 to the south is occupied by a surface parking lot, the Rex Liquor Store, a retail store, a veterinary office and, at the corner of Wisconsin Avenue and Jenifer Street, the six-story Columbia First Federal Savings and Loan building. Along 43rd Street are a surface parking

lot, three detached single-family dwelling units and a large undeveloped parcel of land zoned R-5-B.

13. To the west of the subject site, across Wisconsin Avenue is the Mazza Gallerie shopping center. Diagonally across the street, in Maryland, is a Woodward and Lothrop Department Store and directly across the street, also in Maryland, is the Chevy Chase Metro Building, recently constructed. These three developments constitute the existing development patterns at the intersection of Western and Wisconsin Avenues, N.W.
14. At the time the Zoning Commission published a Notice of Public Hearing in the D.C. Register on February 22, 1985, it gave notice of special procedures applicable to this case in order to regulate the course of the hearing, to establish reasonable time limits for witnesses and to fairly allocate time among the parties and others. Pursuant to that notice, a prehearing conference was scheduled for Monday, April 8, 1985. At that time, the Zoning Commission determined which persons would be admitted as parties, which witnesses would be accepted as experts, the amount of time to be allocated to each party and to other persons, and ruled upon some procedural matters. The Zoning Commission denied a request by some of the parties for postponement of the case.
15. The applicants propose to construct a development with a 200 room hotel plus some retail and office uses interrelating around a centrally located multi-story atrium. There will be three levels of underground parking to accommodate 630 plus cars.
16. The applicants propose to close Belts Lane and the alley between Belts Lane and Military Road, and include those areas as a part of the PUD site.
17. The applicants propose to provide direct underground pedestrian connection to the Friendship Heights Metrorail Station at the lowest of three retail levels. The Friendship Heights Metrorail Station is the only station in the entire Metrorail system that is a four-portal station. The portals are and will serve the Chevy Chase Metro Building, Woodward & Lothrop Department Store, the Mazza Gallerie, and the PUD site.
18. The proposed development will include a height of seventy feet for the hotel and 110 feet for the retail/office spaces, an FAR of 6.0, a maximum lot occupancy will not exceed ninety-one percent, and a gross floor area of approximately 573,611 square feet including 161,480 square feet

for hotel use, 152,131 square feet for retail use, and 260,000 square feet for office use. The celler floor area will be 76,500 square feet.

19. The applicants, through testimony presented at the public hearing, indicated that the primary purpose of the project is to create a stunning gateway development of a major uptown regional and office center. To achieve this goal, the proposed PUD has been carefully planned and designed to achieve the following basic objectives:
 - a. To enhance the permanent character and stability of the neighborhood through the improvement and revitalization of a site which has been underutilized;
 - b. To provide a major uptown regional retail, hotel and office center to both complement and enhance existing uses;
 - c. To provide a direct Metro connection as well as a desirable development at a key Metrorail station in order to capitalize on the public expenditure of funds;
 - d. To provide a through-block pedestrian circulation system and potential connection to neighboring projects;
 - e. To provide maximum achievement of the Planed Unit Development goals of superior design and improved working environment through the site plan approval process;
 - f. To provide special amenities within the project including a direct connection to the Friendship Heights Metro station;
 - g. To enhance one of the major gateways to the City and two designated "special streets";
 - h. To provide 1,600 job opportunities for D.C. residents including first source employment, minority business participation and generation of approximately \$5.3 million in real estate and sale taxes; and
 1. To create land uses in accordance with the goals and policies enacted by the City Council in the District of Columbia Comprehensive Plan Act of 1984, as amended.

20. The applicants, through testimony presented at the public hearing, identified the following as reasons why the PUD site is unique:
 - a. It is designated on the newly adopted Comprehensive Plan as a regional center;
 - b. The site is a gateway location and has frontage along two designated special streets;
 - c. The site has been identified on all earlier planning studies as a location most suitable for development using the PUD concept;
 - d. The site is central to one of the most significant, commercial and market demographic areas in the Metropolitan area;
 - e. The site has the direct access to the newly opened Red-Line in the Metro system; and
 - f. The site is of sufficient size and its configuration is large enough to allow a project of substance and importance.

- 21.. The applicants, through testimony presented at the public hearing indicated that the value of the following amenity package is \$8 million:
 - a. A coordinated unified development of substance at this strategic location;
 - b. A building of superior quality and design reinforcing the gateway concept;
 - c. The dramatic full height enclosed atrium as an active community place;
 - d. Support to the Metro system and direct Metro access;
 - e. A transportation management program;
 - f. A small but highly visible park;
 - g. An additional 1600 new full-time jobs;
 - h. Tax revenues of \$5 million annually as contrasted with the existing revenues of \$140,000 per year;
 - i. A first source employment agreement;

- j. A minority business opportunity agreement; and
 - k. Community facilities in the atrium area including a government kiosk and meeting facilities for local government and civil groups,
22. The architect for the applicants described the existing split-zoning of the PUD site and the two primary frontages on Military Road, and Wisconsin Avenue with an equal amount of internal property boundaries at the interior of the site. He also described the proposal to maintain the seventy-foot cornice line around the site in keeping with the height of the Mazza Gallerie with a stepping at ninety and 110 feet in height. The quality of material will have a texture and color to play against the white fabric that is presently at the intersection.
23. As originally filed, the application proposed development of a building with an FAR of 6.0, with no setback at the Military Road frontage, and with a sidewalk width of only ten feet along Military Road, in addition to other design aspects. During the course of the hearing, the plans were revised to respond to some of the concerns raised by the community. On the basis of the revised plans, the development proposes an FAR of 5.5, a twenty-foot sidewalk width on Military Road, and building setbacks on the north, south, and east property lines. Additionally, the plans were revised to show four pedestrian entrances to the atrium area.
24. As originally filed, the plan showed Military Road as its sole means of access to and from the loading and parking areas. Subsequently, as part of the prehearing submission, the plans were revised to show two means of access to the site from both Military Road and Wisconsin Avenue, in addition to several alternatives for a "through-square connector." Later during the course of the hearing process, the plans were again revised to show access from Military Road, Wisconsin Avenue and 43rd Street, in the event other development in the square does not go forward, as well as a building setback at the east property line to provide the opportunity for a through square connector.
25. The architect for the applicants explained that the through-square connector could be located either at grade through the existing alley system, at grade but closer to 43rd Street, or below grade at any location. The precise location of the through square connector through the rest of the square cannot be determined by the applicants herein

since it involves the cooperation and agreement of other property owners in the square,

26. The architect for the applicants described the interior of the courtyard or atrium space as a two or three story base of retail with streetscape and paving, awnings, a festive atmosphere and, above that base, opera balconies anchoring the public functions of both the hotel and the office building. The ground floor would have a water feature to serve as a focal piece and also provide the opportunity for concerts and large functions. The space represents about 26,000 square feet of space.
27. The architect explained that access to the loading area would be from Military Road and that the seven loading berths provided would be contained within the building line. Across from this loading berth area is a separate area for maneuvering which is screened from the park area., The architect explained that the small park area proposed at the intersection of 43rd Street and Military Road would eventually be landscaped as a buffer between 43rd Street and the proposed building. On an interim basis, it would be used as a temporary banking facility for NS&T until its new space was ready in the new building. Access into the parking area would be provided from Military Road and also from Wisconsin Avenue. Parking consists of three levels with approximately 210 spaces per level or 630 cars.
28. The economic and marketing consultant for the applicants indicated that a strong market exists for retail use and for hotel use and that although the office employment market is generally less favorable, because of the mix use character of the building, the office component had strong potential in addition to providing the needed economic base for both the hotel and retail uses,
29. The marketing consultant also testified that residential uses had been considered at the time the analysis was made,, Both rental and condominium development was considered and analyzed in terms of land cost, rents or sale prices, vacancies, and the marketability of the site, On the basis of this analysis, it was concluded that residential development would not be feasible.
30. The economic and marketing consultant pointed out that the same conclusion was reached in 1973 by the Shaw Report prepared for the National Capital Park and Planning Commission, A major factor in reaching this conclusion, was the size and location of the site. The present configuration of the site and its size, precludes the option of

constructing either a single highrise building or a separate building envelope connecting to a large complex. This, combined with the fact that the property is located at a commercial intersection with a connection to the Metro station as well as directly across from a Metrobus interchange, indicated that residential development would not be successful.

31. The economic consultant also testified as to the employment and tax impacts of the proposed development. It was estimated that \$5.6 million in tax revenues annually would be created by the proposed development in addition to 1,660 new jobs created on-site, not including additional part-time employment. The total of \$5.6 million in sales,, hotel and utilities taxes, compares with roughly \$140,000 per year as the site is currently improved.
32. The applicants, through their land planner, indicated that the staff of the National Capital Planning Commission prepared a draft Sectional Development Plan (SDP) in 1972 for the Friendship Heights area. In 1974 subsequent to consideration, the Zoning Commission rezoned the area, in part, in accordance with the SDP recommendations. In 1978, the Zoning Commission determined not to adopt a subsequent proposed SDP because the enactment of the Home Rule Act gave authority to the Mayor and the City Council to adopt a Comprehensive Plan. In 1982, the Zoning Commission rescinded the SDP provisions of the Zoning Regulations. In 1984 and 1985, the Mayor and the City Council adopted the Comprehensive Plan of the District of Columbia.
33. The land planner discussed the relationship of this PUD to the recently enacted Comprehensive Plan. The Plan designates this neighborhood for the following three specific types of development:
 - a. As an uptown regional center;
 - b. As a mixed-use commercial center at a Metrorail station and major transportation interchange point; and
 - c. As a development opportunity area.

The land planner pointed out that the definition of a regional center contemplates a large office component as well as the largest group of commercial functions outside the central business district. The land planner pointed out that the District of Columbia has only 200,000 square feet of office space in Friendship Heights as compared with approximately 1.5 million square feet in Maryland.

34. The land planner discussed the appropriateness of the requested C-3-C zoning and stated that it was not inconsistent with the Comprehensive Plan as required by the Home Rule Act. C-3-C zoning is designed to "accommodate important subcenters supplementary to the central business district." The land planner also indicated that the proposed PUD is consistent with the intent and purpose of the PUD regulations, in part, because of the amenities and public benefits that would accrue and not be available under existing zoning controls.
35. The traffic and transportation consultant for the applicants identified the related issues including trip generation, pedestrian and vehicular ingress and egress and the use of transportation management programs. He described the following as aspects that were unique to the PUD site:
- a. The gateway entrance;
 - b. At the heart of the regional center with related land uses that tend to minimize trip making;
 - c. The focal point of a multi-modal transportation system; and
 - d. It is the only intersection with four portals to Metrorail,
36. The traffic consultant testified that in analyzing the expected transportation and traffic impact, the proposed PUD would provide an additional 150 peak hour trips over a matter of right development which result in a 1.7 percent increase at the Wisconsin and Western intersection. The traffic consultant showed a video taken at the A.M. and P.M. peak hours at the Wisconsin and Western Avenues intersection to demonstrate the level of traffic presently at the intersection and to describe changes in signalization that should occur in order to improve left turns at the intersection.
37. The traffic consultant testified that taking the proposed development at a 6.0 FAR, and computing the remainder of the Square at a 5.5 commercial FAR plus development of a Lord & Taylor parking lot at a 5.5 FAR, approximately 1,600 new trips will be generated as compared with the interjurisdictional agreement total of 2,329 trips. He concluded that this development, along with development of other potential sites on the District side, would still create traffic levels within the agreement of the SDP guidelines in 1973. He further concludes that development of the entire Square

at a 6.0 FAR would create a level-of-service of "D" at the intersection of Wisconsin and Western Avenues.

38. The applicants filed in the record an executed agreement with the Minority Business Opportunity Commission (MBOC) evidencing their commitment to make a bona fide effort to utilize certified minority business enterprises for a minimum of thirty-five percent of the contracted development cost. The applicants also filed in the record an executed agreement with the Department of Employment Services as evidence of its commitment to use the Department of Employment Services as its first source for recruitment, referral and placement of new hires or employees whose jobs are created by the PUD project, for a minimum forty-one percent D.C. residents.
39. At the conclusion of the hearing session on May 9, 1985, the Zoning Commission set a special meeting to determine whether it would continue with the hearings because of concerns that included, but were not limited to, a lack of comprehensive planning for the Square, an incompleted gateway connection, and the potential of a development disaster. The Zoning Commission solicited motions from the parties that addressed its concerns. On May 16, 1985, at its special meeting, the Zoning Commission considered the motions that were received from the parties, a memorandum from the OP dated May 13, 1985, and advice of the Assistant Corporation Counsel, and determined that it would continue hearings on the case.
40. The District of Columbia Office of Planning (OP), by memorandum dated April 5, and July 1 & 25, 1985, and by testimony presented at the public hearing, recommended approval of the application subject to proposed development guidelines, conditions and standards. The OP recommended approval, in part, provided that the total FAR does not exceed 5.5 and that the recommended reduction of 0.5 FAR is subtracted from the office component, and also provided that the design of the project allow for a future east-west through-block pedestrian connection from the Metrorail Station to 43rd Street.
41. The OP believes that the proposed retail is considered a highly positive use in the area and would strengthen the market attraction of the existing department stores and miscellaneous retail outlets in the area. The proposed hotel is desirable because the upper Wisconsin Avenue corridor in the City is without a hotel, which could serve a combination of the needs of business travelers, tourists, and individual visiting friends and relatives in the area.

The proposed office would provide job opportunities, economic development multipliers, and tax revenue for the City.

42. The District of Columbia Department of Public Works (DPW), by memoranda dated April 5 and July 1, 1985, and by testimony presented at the public hearing, indicated that the intersection of Wisconsin Avenue, Western Avenue and Military Road would receive the greatest traffic impact from the proposed development. Both approaches of Wisconsin Avenue would operate at level of service D during the p.m. peak hour period. Western Avenue and Military Road approaches would operate at level of service C or better. However, when consideration is made of other potential developments on the District and Maryland sides of Friendship Heights, trips generated from such developments would push the level of service to E, causing substantial congestion and delay at this intersection. The ability of the existing streets to accommodate future traffic conditions would largely depend on the extension of Friendship Heights Boulevard between Wisconsin and Western Avenues and a higher level of mode split in favor of transit.
43. The DPW determined that the proposed ingress and egress at Military Road is unacceptable and, in lieu thereof, recommended an extension of the interior driveway to Jenifer Street to provide additional ingress opportunity for the subject project and any additional development for the Square. The DPW believed that the proposed level of parking spaces is adequate to serve the project. The DPW was not persuaded that the five proposed loading berths are adequate, as compared to ten loadings berths required by the Zoning Regulations. The DPW expected no problems regarding the water supply for the area, believed that the existing storm system is adequate, but recommended that a stormwater management system be incorporated into the project. The DPW recommended that seven bicycle spaces be provided for office employees. The DPW further recommended that approval of the PUD be conditional to implementing its recommendations regarding the applicants' transportation management programs.
44. The District of Columbia Metropolitan Police Department, by memorandum dated March 13, 1985, strongly advocated the inclusion of security considerations during design and construction phases. For instance, the inclusion of effective lighting would substantially increase security. The underground parking area should be equally well lit and/or maintained by security personnel to provide for the safety of those who will utilize the development. The proposed development is not expected to generate any substantial

increase in the needed level of police service and no operations of an anti-crime nature are being proposed for the area.

45. The District of Columbia Department of Housing and Community Development (DHCD), by memorandum dated March 26, 1985, indicated that it had no objections to the application as filed. The DHCD further stated that "The proposed mixed use center for retail, hotel and commercial office space, located and tied into the Friendship Heights Metro Station, is a reasonable combination of use and an appropriate project for the planned unit development process. We believe it would supplement existing retail and commercial uses in the area and to that extent appears to be compatible with city plans and policies. The proposed site plan and building design appear to take advantage of this important location. In this connection, it is our view that the building height and FAR should not exceed the 110 feet and 6.0 proposed by the applicant."
46. The District of Columbia Department of Recreation (DOR), by memoranda dated March 18, and June 18, 1985, indicated that "This proposed development provides several passive recreation spaces, as well as a small park and a courtyard." These open and green space buffers will provide an aesthetic effect consistent with the well manicured and landscaped yards of the adjacent residential area. They also provide passive recreation space for residents in a commercial area where such public facilities are sparse. The DOR believed that the atrium provides a passive public recreation space.
47. The District of Columbia Department of Consumer and Regulatory Affairs (DCRA), by memorandum dated June 27, 1985, indicated that "There has been a significant improvement to the District's air quality in recent years. The increased number of cars driven in the District equipped with emission control devices and the implementation of I/M program have reduced CO and HC (and hence O₃) emissions." The DCRA determined that more information and further analysis are necessary to more accurately assess the impact of this project.
48. The District of Columbia Public Schools, by memorandum dated February 20, 1985, stated that the mixed-use development would have no direct impact on the operations or facilities of the public schools.
49. The District of Columbia Fire Department, by memorandum dated April 4, 1985, stated that the PUD would not adversely affect the operations of the Fire Department provided

certain requirements are met. It requested that the street and alleys remain open until all buildings on the lots are razed and that all buildings constructed have an automatic sprinkler system installed.

50. The District of Columbia Department of Employment Services (DOES), by written submission and by testimony presented at the public hearing, identified the terms of the employment agreement between the applicants and the DOES. The employment agreement included the general terms of responsibility, recruitment, referral, placement and training procedures, regulation and law controls, and modification, renewal and sanctions procedures.
51. The Advisory Neighborhood Commission (ANC) - 3E, party in the proceeding, by letters dated October 26, 1984, and March 1 and April 7, 1985, and by testimony presented at the public hearing, opposed the application. The concerns of the ANC-3E are as-follows: --
 - a. That the ANC-3E favors development of Square 1661;
 - b. That the ANC-3E believes that the planned unit development process (PUD) will result in the best use of the square;
 - c. That, in accordance with the underlying philosophy of the PUD process, planning should be considered for the entire square in making any zoning changes;
 - d. That to the maximum extent possible, the development should conform to existing enacted zoning which reflects the integrity and the coordinated planning efforts in the Friendship Heights Sectional Development Plan and the D.C. - Maryland 1973 Inter-Jurisdictional Agreement;
 - e. That three major considerations in any proposed development are its impact on the adjacent residential and commercial neighborhood, its impact on traffic and its visual impact on the neighborhood;
 - f. That the ANC-3E opposes any development on the square which has all traffic entering and exiting on Military Road;
 - g. That the ANC-3E is opposed to any development of the northern section of Square 1661 which ignores the development of the central and southern portions, particularly in terms of traffic ingress and egress;

- h. That the ANC-3E opposes the development of any project on this square with such density as to give a Floor Area Ratio (FAR) in excess of 4.2;
- i. That the ANC-3E opposes the development of any project on this square with a proposed height which is aesthetically and architecturally incompatible with the surrounding residential neighborhood;
- j. That the ANC-3E opposes the development of any project on this square with a proposed setback which is incompatible with the volume of pedestrian movement and internal vehicle access projected for the principle Friendship Heights Gateway location;
- k. That the ANC-3E opposes any development on this square which will increase traffic to levels in excess of those provided in the Sectional Development Plan upon which the existing zoning was explicitly based;
- l. That with particular regard to the application on file for Case No. 84-2GP (rezoning and development of Lots 20, 21, 23 and 810 of Square 1661), the ANC-3E opposes the application in the following areas:
 - i. The current submitted plans are in major conflict with existing enacted zoning and the rationale on which the zoning was enacted;
 - ii. The plans will generate traffic in excess of the capacity of the surrounding streets and roads and in excess of that contemplated by the currently enacted zoning;
 - iii. The Department of Public Works in its communications to Office of Planning and the Zoning Commission to date has inadequately addressed the issues of (a) traffic generation impact on surrounding street capacity, and (b) additional controls needed to protect nearby neighborhoods on both sides of Wisconsin Avenue, and indeed has been very slow in implementing controls already enacted in the DPW Traffic Regulations;
 - iv. The proposed development exceeds an FAR of 4.2;
 - v. The height, mass, bulk and setback of the proposed development is inconsistent with other development at the intersection and will unacceptably impact the adjacent residential areas;

- vi. No meaningful amenities are being provided or offered to the residents of the ANC-3E community; and
 - vii. The nearly one hundred percent site coverage and internal traffic routing will present a barrier for neighborhood residents entering the Metro Station.
 - m. That the ANC-3E believes residential development on Square 1661 is appropriate, justified and commercially viable. ANC-3E supports the original Friendship Heights SDP objectives of up to 500 residential housing units on the square.
52. The Miller Companies, contract purchaser of the adjacent property to the south of the PUD site and party in the proceeding, by testimony presented at the public hearing, supports the application and made the following observations:
- a. That it expected to file an application for PUD review and approval to develop its property within thirty to forty-five days of that hearing session of May 9, 1985;
 - b. That Square 1661 should be developed and that the development of the square should be a coordinated effort between all of the owners of property in the square; and
 - c. That the anticipated traffic levels in the development area would be at an acceptable level even if the entire square were developed at 5.5 FAR, including 1.5 FAR for retail and 4.0 FAR for office uses.
53. Abrams and Associates, contract purchaser of property at the southern end of Square 1661 and party in the proceeding, by testimony presented at the public hearing, supported the application and made the following observations:
- a. That the impact of the north-south through-square connector be examined closely and not exclude the possibility of providing ingress/egress at Wisconsin Avenue;
 - b. That it expected to file an application for PUD review and approval to develop its property circa August 1985; and

- c. That development of all of Square 1661 at 5.5 FAR would generate traffic at an acceptable level.
54. The Friendship Neighborhood Coalition (FNC), party in the proceeding, by written submissions and by testimony presented at the public hearing, did not oppose development of Square 1661, but opposed the application for the following reasons:
- a. That the proposed development is too large in bulk and scale, and too close to the immediately adjoining residential neighborhood;
 - b. That the traffic from the proposed project would overload the Wisconsin and Western Avenues intersection, which already often operates at an unacceptable level of service;
 - c. That vehicular ingress/egress for the square, and vehicular circulation within the square threatens to cause traffic spill-over into the neighboring streets;
 - d. That the existing level of air pollution at the intersection of Western and Wisconsin Avenues would be exacerbated by an increase of traffic;
 - e. That the residential uses along 43rd Street are threatened because of the adverse affect of the proposal on the existing R-5-R zoned buffer on the west side of 43rd Street;
 - f. That there is no proposed residential component to the project;
 - g. That design issues, including the sidewalk width on Military Road, the lack of setback pedestrian access to Metro, and the overall "gateway design" of the building are unacceptable;
 - h. That the project as proposed violates interjurisdictional agreements of the early 1970's incorporated in the Friendship Heights SDP;
 - i. That existing zoning is consistent, and the proposed zoning is inconsistent with the Comprehensive Plan; and
 - j. That development of the subject site should not proceed without knowledge of development for the balance of Square 1661.

55. The Citizens Coordinating Committee for Friendship Heights (CCCFH), party in the proceeding by written submissions and by testimony presented at the public hearing, opposed the application for the following reasons:
- a. The proposed development will increase traffic congestion;
 - b. The proposed development will have an adverse affect upon the nearby single-family residential neighborhood, including the blocking of sunlight, increased noise, traffic, street parking, automobile pollution, and aesthetically displeasing views;
 - c. The proposed development will have an adverse affect upon the business district through increased traffic congestion, noise, and pollution which will make the commercial area a less desirable place to work or shop;
 - d. The proposed development will interfere with through traffic on the Military Road, Western Avenue, and Wisconsin Avenue arteries;
 - e. The proposed development does not provide for sufficient public amenities;
 - f. The proposed development is not compatible with good land use planning in that it is too great in height and FAR for this site and location;
 - g. The proposed development is inadequate in urban design to demark the gateway;
 - h. The proposed development is inconsistent with the District's policy of promoting residential housing;
 - i. The proposed development is inconsistent with the District's policy of maximizing the use of public transit;
 - j. The proposed development will generate a greater amount of traffic than is acceptable given the limited road capacity and the anticipated development of other parcels in the area; and
 - k. The benefits of the proposed development are outweighed by the detrimental affects to the nearby properties, the neighborhood, and the District as a whole.

56. Walton J. Francis, party in the proceeding, by written submission and by testimony presented at the public hearing, opposed the application for the following reasons:
- a. That the proposed traffic circulation would adversely affect the area and the residential neighborhood, particularly Military Road;
 - b. That the size and scale of the development should be reduced;
 - c. That the proposed mix of uses be changed to include a sizable residential component; and
 - d. That existing traffic patterns should be changed to discourage traffic flow on neighboring residential streets.
57. Councilmember Polly Shackleton, by testimony presented at the public hearing, opposed the application on the basis that it violates the proposed SDP which was the result of community input and interest in protecting residential neighborhoods. Councilmember Shackleton stated that the Comprehensive Plan for Friendship Heights calls for development within current zoning, not increased zoning.
58. The Montgomery County Planning Board (MCPB) of the Maryland National Capital Park and Planning Commission, by written submission and by testimony presented at the public hearing, opposed the application because of concerns regarding traffic congestion. The MCPB stated the following:
- a. The Zoning Commission should not accept any new modal split or trip generation rates as official replacements for the 1973 rates;
 - b. The planned density of the Donohoe project is excessive, and could lead to undesirable traffic congestion if other properties in the square receive similar increases in permitted density;
 - c. The MCPB hopes that the Zoning Commission's decision will acknowledge the need for cooperative planning and complementary policies between both jurisdictions;
 - d. Changes to the traffic elements of the application are needed to support even a smaller increase in modal share and to maintain efficient traffic operations on area streets; and

- e. The MCPB requests the opportunity to coordinate streetscape elements along Western Avenue, when the project is reviewed at the site plan stage.
59. There were no individuals nor organizations in support of the application that testified at the public hearing or submitted evidence in writing.
60. Ten individuals and organizations testified at the public hearing in opposition. Approximately twenty-nine letters were received from individuals and organizations in opposition, and one petition in opposition was received which contained 407 signatures.
61. The issues raised by the persons in opposition were previously raised by the parties in opposition.
62. The Commission finds that issues related to traffic impact are perhaps the most crucial of the many issues associated with the development of Square 1661. The Commission is mindful of the inter-jurisdictional agreements of the early 1970's and the resulting rezoning that was adopted, in part, because of those agreements. The Commission is equally mindful of the changing dynamics of the City which are affected by changing economics, culture, housing, commercial and employment needs, politics and other social realities. As a result of that recognition and the Commission's responsibility to dispose of applications for zoning relief that are filed before it on a case-by-case basis, the Commission finds that from time-to-time it can not be bound to previous decisions of this Commission.
63. The Commission concurs with the Office of Planning, the ANC-3E, and other parties and persons, that Square 1661 should be developed and that the PUD process offers an effective means by which development can be achieved. The Commission, however, is mindful that it has no authority via the PUD process or otherwise to compel an owner of property to initiate development of property. The Commission finds that a comprehensive planning effort is more desirable for the development of the square, and that the PUD process offers a better result than "piece-meal" matter-of-right development.
64. As to the concerns of the OP, ANC-3E and other parties and persons, regarding the density of the project the Commission finds that the proposed density of the project, as revised, is too high, particularly in relationship to and the uncertainties associated with the development of the balance of

the square, and the density of the adjacent residential neighborhood.

65. As to the concerns regarding the proposed uses, the Commission concurs with the OP and the applicant and finds that the proposed uses including hotel, office, and retail are appropriate. The Commission notes that the PUD site is located at a major commercial intersection with direct access to the Metrorail system. Consequently, the Commission finds that it is appropriate to provide for a mix of commercial uses at the subject site.
66. As to the concerns of the OP, ANC-3E, and other parties and persons regarding the issue of housing development on Square 1661, the Commission notes that for reasons set forth in Findings No. 65 and the fact that other owners in Square 1661 expressed their intent to develop the balance of the square, excluding one lot, it finds that there is ample opportunity to introduce housing in Square 1661 at acceptable levels.
67. As to the concerns of the OP and others regarding pedestrian access to the Metrorail system via access from 43rd Street and the adjacent property to the south of the PUD site, the Commission finds that, in its decision, it has addressed the matter,
68. As to the concerns of the DPW, ANC-3E and others regarding on-site parking and loading requirements, the north-south through-square connector and access thereto, the Commission finds that, in its decision, it has addressed the matter.
69. As to the concerns of the DCRA and others regarding the quality of air at and around the intersection of Wisconsin and Western Avenues, the Commission finds that there is opportunity to further address this issue when the applicant files an application for second-stage review and approval of a PUD,
70. As to the concerns of ANC-3E and others regarding height, bulk, density, and setback, the Commission finds that a reduction of the size and scale of the proposal is in order and that the proposed zone district is inappropriate. Consequently, in its decision, the Commission believes that it has addressed these matters.
71. As to the concerns of ANG-3E and others regarding the development of the northern portion of the square and ignoring development and circulation for the balance of the

square, the Commission finds that, in concert with Findings NO. 63, it has addressed the matter in its decision.

72. As to the concerns of the ANC-3E and others regarding the Comprehensive Plan, with the exception of the proposed zone district, height and density, the Commission concurs with the applicant. The Commission finds that Square 1661 is in a development opportunity area for a regional mixed-use commercial center near a Metrorail Station, The Commission is mindful that the adopted Generalized Land Use Map of the Comprehensive Plan notes the subject area for Medium Density Commercial and Medium Density Residential uses. In addition to the issue of housing for Square 1661, as set forth in Findings No. 66, and the Commission's attempt to balance the concerns of all parties and persons and each element of the Comprehensive Plan, the Commission finds that, in its decision, it has struck a balance of many competing concerns, issues, and interests,
73. As to the concerns of ANC-3E and others regarding design and urban design considerations, the Commission believes that the PUD site serves as a "gateway" to the City and finds that, in its decision, it offers the opportunity for further review of design and urban design issues during the second-stage PUD process.
74. As to the concerns of the DPW, ANC-3E, and others regarding traffic, the Commission finds that there are problems at the intersection of Wisconsin and Western Avenues, as well as Military Road and potentially other streets. The Commission, in its decision to reduce the size and scale of the proposal and affect circulation internal to the square, has taken steps to further study the impact of the proposal on traffic in the area when it considers second-stage PUD processing. The Commission notes that the DPW will equally participate in the further processing of this application,
75. As to the concerns regarding the buffering between the proposed development and the residential properties on 43rd Street, the Commission finds that the existing distance is sufficient and the existing open-space and undeveloped strip of property enhances that buffer. The Commission is mindful, however, that that strip of undeveloped land may be developed as a matter-of-right to a height of sixty feet and an FAR of 1.8,
76. As to the concerns regarding the lack of public amenities, the Commission concurs with the applicants and finds the amenities package to be sufficient.

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 development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned residential, institutional, commercial and mixed use developments which will offer a variety of building types with more attractive and efficient overall planning, and design not achievable under matter-of-right.
3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. Approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia.
5. The approval of this PUD application is consistent with the purposes of the Zoning Act.
6. The proposed 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 ensure neighborhood stability.
7. The approval of this application will 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.
8. The Zoning Commission has accorded to the Advisory Neighborhood Commission 3E the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby orders APPROVAL for first-stage review of a planned unit development and related map amendment for lots 20, 21, 23, and 810 in Square 1661, The approval is subject to the following guidelines, conditions, and standards:

1. The project shall be developed under the C-3-B District

provisions of the Zoning Regulations. The applicants shall submit an application for rezoning of the subject property from R-5-B, C-2-B, and C-3-A to C-3-B with the application for second-stage review and approval of a Planned Unit Development (PUD).

2. The final design of the project shall be based upon the plans marked as part of Exhibit No. 27C of the record, as modified to conform to the guidelines, conditions, and standards of this order.
3. The project shall be a mixed-use development consisting of a hotel component, an office component and a retail component connected by a covered atrium.
4. The floor area ratio (FAR) of the project shall be 5.0, except that the applicants may exceed or reduce the FAR by not more than 2½ percent, for a range of 4.875 FAR to 5.125 FAR. The applicants shall retain the proposed gross floor area for the hotel component of approximately 161,480 square feet .
5. The height of the office component of the project shall be reduced by one story from the height of the office component as shown on the plans marked as Exhibit No. 27C of the record. The applicants shall submit, at the time of the second-stage filing, information regarding the height of the Mazza Gallerie and any urban design considerations thereto that may affect the subject project.
6. The lot occupancy of the project shall not exceed ninety-one percent.
7. The final design of the hotel shall have no less than 175 rooms. No exhibit space or ballroom space shall be provided. Other function space shall be limited to that space needed to serve registered guests of the hotel, and shall be clearly identified and justified in connection with the second-stage filing.
8. The applicants shall submit drawings with the second-stage filing that proposes a workable solution for the temporary parking and loading of one or more buses on the outside of the hotel.
9. Parking shall be provided as proposed in the plans marked as Exhibit No. 27B of the record. There shall be no vehicular access to or from 43rd Street, whether along Belt Lane or otherwise.

10. The applicants shall gain access from and egress to Jenifer Street for loading and other utilitarian purposes or needs. As a second alternative, the Commission may consider a proposal that shows vehicular access to and/or from Wisconsin Avenue. The residential zoned triangle portion of the PUD site located adjacent to Military Road shall not be used for any loading related purposes.
11. The applicants shall submit drawings that show a setback for the office component at a ratio not to exceed 1:1 (forty-five degree angle maximum) beginning at a height of not more than sixty feet at a point where the office component abuts the adjacent R-5-B Zone District to the east of the PUD site.
12. The applicants shall submit at the second-stage filing an effective and vigorous minority opportunity program affecting construction as well as on-going jobs commitments,
13. The final design of the project shall provide an entrance to the hotel at the corner of Wisconsin and Western Avenues, or shall provide for additional landscaping at said corner.
14. The final design of the project shall show a proposed pedestrian connection for Metrorail users to properties to the east and south of the PUD site,
15. The applicants shall provide the Department of Public Works an adequate opportunity to review all vehicular and circulation drawings prior to filing a second-stage application.
16. The second-stage application shall clarify and justify the proposed interim use of the residential zoned triangle portion of the PUD site located adjacent to Military Road.
17. This approval is valid for a period of one year from the effective date of this order. Within that period, the applicant shall file a second-stage application if this first-stage approval is to remain in effect.

Vote of the Zoning Commission taken at the public meeting on August 1, 1985: 5-0 (Lindsley Williams, John G. Parsons, George M. White, Patricia N. Mathews, and Maybelle T. Bennett, to approve with conditions).

This order was adopted by the Zoning Commission at the public meeting on October 7, 1985 by a vote of 4-0 (Lindsley Williams, John G. Parsons, and Maybelle T. Bennett, to adopt as amended and

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Patricia N. Mathews, to adopt by absentee vote (George M. White, not present, not voting).

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

18 OCT 1985


MAYBELLE T. BENNETT
Chairperson
Zoning Commission


CECIL B. TUCKER
Acting Executive Director
Zoning Secretariat

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