

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 594
Case No. 88-6C
(Vanguard Associates - PUD)
November 14, 1988

Pursuant to notice, a public hearing for the Zoning Commission for the District of Columbia was held on July 25, 1988 to consider an application from the Vanguard Associates ("Applicant") for consolidated review and approval of a Planned Unit Development (PUD) pursuant to Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Chapter 30, of that Title.

FINDINGS OF FACT

1. The Planned Unit Development (PUD) application was filed with the Zoning Commission on March 15, 1988 requesting consolidated review and approval of the PUD for Lot 866, Square 117 located at 1111 20th Street, N.W. The site is improved with an existing 8 story structure known as the Vanguard Building, located at the northeast corner of the intersection of 20th and L Streets, N.W.
2. The Applicant proposes a renovation of the Vanguard Building, with the addition of two stories and a revised architectural treatment of the main corner entrance. The corner of the building located at 20th and L Streets would have a tower feature that serves as retail specialty location on the ground floor and an open air feature at the top. The additional floor area added by the two stories would be approximately 45,087 square feet. The renovated Vanguard Building would be approximately 110 feet in height, and have a floor area ratio (FAR) of 8.21.
3. The PUD site is generally bounded by 20th Street to the west and L Street to the south. To the north, across a 15 foot yard is the Board of Trade building at 1129 20th Street, N.W. To the east, separated by approximately 38 feet is 1901 L Street. The total site

area is approximately 26,241 square feet. The site is in the C-3-C zone district, and is approximately 1/2 block west of the C-4 zone district the Connecticut Avenue and K Street corridors.

4. The existing Vanguard Building is approximately 90 feet in height and has a gross floor area of 170,566. The FAR of the existing building is 6.5. The Vanguard Building is presently occupied by retail tenants on the ground floor and office tenants on the remaining floors. The major tenant is the General Services Administration, which leases adjunct space for various federal agencies. The retail tenants include mens and womens clothing stores, a sporting goods store and a restaurant.
5. The area is surrounded by C-3-C zoning, and is one block west of the higher C-4 zone district which begins at 19th Street, N.W.
6. The subject site is located in the western portion of the Central Employment Area known as the West End. The vicinity around the site is generally characterized by large office buildings.
7. To the west of the site is 2001 L Street located at the northwest corner of 20th and L Streets. This structure is 10 stories and 110 feet in height, and is known as Phase V of the Lafayette Center PUD, which was the subject of Zoning Commission Order No. 445. Taken as a single building, the density of this structure is 9.21 FAR.
8. The remaining portions of the Lafayette Center PUD are in the vicinity of the subject site, located between 20th and 21st Streets, west of the site and on the south side of M Street.
9. To the north of the site is the Board of Trade Building located at 1129 20th Street, an office and retail building. To the east of the site is 1901 L Street, which is an office and retail building. Further east, at the intersection of Connecticut Avenue and K Streets, are located the two entrances to the Farragut North Metrorail station. To the south of the site is 1920 L Street, also an office and retail building. Further south, at the intersection of 18th and Eye Streets is located the Farragut West Metrorail station.
10. The C-3-C zone district in which the property is located, permits matter-of-right medium density development up to 6.5 FAR and 90 feet in height. The PUD guidelines permit a density of 7.0 FAR and 130 feet in height.

11. Under the PUD process of the Zoning Regulations, (Chapter 24, 11 DCMR) the Zoning Commission has the authority to impose development restrictions, guidelines and standards which may exceed or be lesser than the matter-of-right standards identified above.
12. The Generalized Lane Use Element of the Comprehensive Plan depicts the area as high density commercial land use. The high density commercial land use is defined as: "The business and retail heart of the District and metropolitan area (which) includes a mix of employment, retail, office, cultural and entertainment centers."
13. The design of the renovated Vanguard Building will feature a corner tower element, a reconfigured ground floor plan to include a pedestrian arcade, a glass covered galleria and an art gallery. Design features such as chamfered corners will provide transition from the lower buildings in the square. The exterior "skin" of the building will be redone with limestone and granite. Two columns of punch windows will provide detail to the main corner.
14. All parking and loading facilities will be accommodated on site. The Applicant will provide 90 parking spaces which are accessed by the existing ramp entrance off L Street. Although the parking provided is less than what would otherwise be required for a building of this size, the parking provided is improved from existing conditions by virtue of a reconfigured storage area in the two levels of parking. (Under existing conditions, the Vanguard Building has 82 legal parking spaces). The proposed valet parking program would increase the number of available parking spaces to 138.
15. The Applicant will provide two loading berths with platforms and one loading/delivery space. The loading is accessed from a 30 foot wide public alley located west and to the rear of the building. The alley is entered either from 19th Street or 20th Street. The loading facilities are essentially the same as in the existing Vanguard Building. Pursuant to Section 2201.1, however, the required loading for the proposed PUD would be three loading berths and two service/delivery spaces.
16. The Applicant testified that the District of Columbia and the immediate neighborhood will realize significant public benefits under the proposed PUD. These amenities include:
 - a. Design: A high quality renovation, pedestrian arcade and tower feature will be provided. Some design concepts from Lafayette Center are used,

which establishes a uniform treatment of both sides of 20th Street.

- b. Stevens Elementary School Grant: The Applicant will contribute not less than \$470,000 to the Thaddeus Stevens Elementary School located approximately 1-1/2 blocks from the Vanguard Building, to be used, as determined by the School, for curriculum, programs, and/or equipment. At the time that a building permit is issued for construction of the building, Vanguard Associates will contribute \$150,000. Installment payments of \$64,000 per year will be made for five years for a total contribution of \$470,000.
- c. A Transportation Management Program (TMP) shall be implemented to encourage or maximize transit use. Mechanisms to be used in the TMP to achieve its objectives include:
 1. A transit pass sales program;
 2. A ride sharing program; and
 3. A parking management program.
- d. MBOC: The Applicant shall implement a Memorandum of Understanding agreement with the Minority Business Opportunity Commission (MBOC), and shall use its best efforts to utilize minority business enterprises for a minimum of 35 percent of contracted development costs.
- e. DOES: The Applicant shall implement a First Source Agreement with the Department of Employment Services with respect to employment opportunities within the applicant's control.
- f. Child Day Care Center: A day care center shall be provided at a subsidized rent for the benefit of the employees of the Vanguard Building and area residents for the period of 10 years. The applicant shall provide approximately 2,500 square feet at a reduced rate of \$8 per square foot below market rates for five years, as determined by the Zoning Administrator with consultation from the Office of Business and Economic Development.
- g. Retail Subsidization Program: In order to attract and retain service oriented retail, approximately 1,374 square feet of grade level retail space will be subsidized at 50 percent for a five-year period. This space shall be offered to small and minority businesses, and

service-related establishments in order to assist some of these businesses that have been displaced, and are in such short supply in commercial projects.

- h. Public Space Improvements: Including pavers, landscaping, street furniture and light fixtures, the Applicant shall develop plans for uniform vending stands to be placed in the public space to be used by the various street vendors. The public space improvements are intended to add an aesthetically pleasing aspect to the streetscape, and shall be maintained by the applicant. The Applicant shall be required to coordinate with DPW in include such language in an agreement with the District of Columbia to provide for perpetual maintenance of the public space. The public space improvements shall be implemented in accordance with the plan marked as No. 5 of Exhibit 7 and 9.
 - i. Exhibition Space: The Applicant shall design a exhibition area at the lobby to allow for the display of hanging and free-standing artwork of a local artist or artists. The applicant shall coordinate with the Washington Project for the Arts or a similar established "arts-related" organization about the possibility of using this space. The size of the gallery area shall be no less than 600 square feet.
17. The Applicant has requested certain flexibility in its final design and plans as follows:
- a. Varying the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, location of elevators, electrical and mechanical rooms, so long as the variations do not change the exterior configuration of the building, including the penthouse;
 - b. Varying the design and arrangement of components within the enclosure of the penthouse;
 - c. The selection of the facade and window detailing issues, as well as the location and type of exterior lighting fixtures for the building shall be subject to the final approval of the Commission.
 - d. Varying the arrangement of the parking spaces and modification to the below grade space to provide the opportunity for storage and other space to serve the proposed users of the building so long

as such modification does not reduce below 90 the number of parking spaces to provided;

- e. Permit the conversion of the subsidized retail space to another C-3-C permitted use if the space cannot be leased to a small and/or minority business after one year of the issuance of the certificate of occupancy;
 - f. Allowing the flexibility permitted pursuant to the provisions of 11 DCMR Chapter 24; and
 - g. Varying the design of the day care center and the rooftop play area in compliance with all District of Columbia regulatory requirements.
18. The District of Columbia Office of Planning (OP), by memorandum dated July 14, 1988, and by testimony presented at the public hearing, recommended that the application has sufficient merit to be approved. OP stated its opinion that the application would allow the renovation of a functionally obsolete office building to become a modern mixed-use structure consisting of office and expanded retail space. Further, OP stated that the Applicant will provide a large number of very desirable public benefits, particularly the offer of support to the Stevens Elementary School.
19. The Department of Public Works (DPW) by report dated July 13, 1988 found that the proposed parking supply would be adequate to service the development based on the excellent accessibility of the site by mass transit, and the commitment to a Transportation Management Program to include the promotion of ridesharing.
20. The Metropolitan Police Department (MPD) recommended that the Applicant be required to submit a physical security plan for review by MPD, and the Office of Planning prior to approval of the project. By letter dated July 25, 1988, and filed in the record, the Applicant provided MPD and the Office of Planning with a report on the proposed security program for for the Vanguard Building. The representative of OP testified that upon preliminary review of the security plan, the MPD and OP were satisfied that security was adequately provided for the protection of the Vanguard Building, its tenants and visitors.
21. By memorandum dated July 13, 1988, the Department of Housing and Community Development (DHCD) offered no objections to the case and suggested a "linkage" payment.

22. The Department of Finance and Revenue in a memorandum dated July 1, 1988, stated that it has no objection to the application, and that the result should be an increase in real and personal property tax revenues.
 23. By memorandum dated July 7, 1988, the Department of Recreation (DOR) commented that the public space improvements proffered by the Applicant are laudable. The comments also recommended that all landscaping, street furniture and other streetscape features should be compatible with other planned streetscape improvements in the immediate area.
 24. By memorandum dated July 21, 1988, the District of Columbia Fire Department (DCFD) stated that it had no objection to the proposed project provided the applicant complies with the fire protection provisions of the new D.C. Construction Codes as listed in D.C. Law 6-216.
 25. Advisory Neighborhood Commission (ANC) 2B, by letter dated July 28, 1988, notified the Zoning Commission of its opposition to the application for the following reasons:
 - A. The benefits to the community of the amenities proposed in the application are not commensurate with the disadvantages of the two extra floors in excess of zoning requirements (sic) that are to be granted to the developer;
 - B. The building could and should be renovated in a manner that does not require the addition of two extra floors; and
 - C. This application proposes changes that are inappropriate for and inconsistent with the PUD process and that undermine the integrity of the Zoning Regulations which provide adequate procedures for obtaining zoning variances.
- No representative of ANC 2B appeared at the public hearing to offer testimony.
26. No one appeared at the hearing in opposition to the application.
 27. By letter dated August 26, 1988, the Applicant provided the Zoning Commission with additional information and material requested at the public hearing, including an expanded description of the Transportation Management Program, plans marked to indicate the location of the trash facility and samples of the window glass to be used. In addition, the Applicant described its

expanded subsidization of the day care and retail amenities as described in this Order.

28. The Commission finds that the Applicant has met the intent and purpose of the Zoning Regulations and the Planned Unit Development process.
29. The Commission concurs with the recommendations or position of OP, DPW, MPD, DHCD, DER, DOR and DCFD.
30. As to the concerns of DHCD, regarding linkage payment the Commission finds that linkage is not an issue and that the value of the amenities offered is commensurate with the additional density requested.
31. The Commission does not concur with the position of ANC-2B and believes that, in its decision, it has adequately addressed the issues and concerns of ANC-2B.
32. The Commission finds that the proposed development is not inconsistent with the Comprehensive Plan for the National Capital.
33. The Commission finds that there are sufficient public benefits and amenities in the application, beyond that which could be obtained under matter-of-right development of the site.
34. The Commission finds that the height and density of the proposed new building are suitable for the site. The scale and design of the project are compatible with the project vicinity.
35. As to the request for design flexibility by the applicants, the Commission finds that such request are not unreasonable, subject to the modifications ordered herein.
36. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated November 8, 1988 indicated that the PUD as modified by the conditions set forth, would not adversely affect the federal establishment or other Federal interests in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, because control of the use and site plan is essential to ensure compatibility with the neighborhood.
2. The development of this PUD carries out the purposes of Chapter 24 to encourage the development of well-planned 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 development.
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 for the National Capital.
5. The approval of this 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, in its decision, has accorded Advisory Neighborhood Commission 2B the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of this application for a consolidated Planned Unit Development, subject to the following guidelines, conditions and standards:

1. The Planned Unit Development ("PUD") shall be developed in accordance with the plans prepared by Smith McMahon Architects, marked as Exhibit Nos. 7, 9, 19 and 42 of the record, as modified by the guidelines, conditions and standards of this order.
2. The PUD site shall be renovated as a ten-story

structure, which contains a mix of office, retail, and arts/cultural uses as permitted in the C-3-C District.

3. The height of the building shall not exceed 110 feet.
4. The floor area ratio for the building shall not exceed 8.21.
5. The lot occupancy of the building may be 100 percent.
6. On site parking shall be provided for 90 vehicles, as proposed in the plan marked Nos. 6 & 7 of Exhibit No. 7 of the record. The parking will be managed by a garage operator.
7. Loading activity for the PUD site shall be in accordance with No. 5 of Exhibit No. 7 and 9.
8. The Applicant shall provide the amenities package as follows:
 - a. Design: A high quality renovation, pedestrian arcade and tower feature will be provided. Some design concepts from Lafayette Center are used, which establishes a uniform treatment of both sides of 20th Street.
 - b. Stevens Elementary School Grant: The Applicant will contribute not less than \$470,000 to the Thaddeus Stevens Elementary School located approximately 1-1/2 blocks from the Vanguard Building, to be used, as determined by the School, for curriculum, programs, and/or equipment. At the time that a building permit is issued for construction of the building, Vanguard Associates will contribute \$150,000. Installment payments of \$64,000 per year will be made for five years for a total contribution of \$470,000.
 - c. A Transportation Management Program (TMP) shall be implemented to encourage or maximize transit use. Mechanisms to be used in the TMP to achieve its objectives include:
 1. A transit pass sales program;
 2. A ride sharing program; and
 3. A parking management program.
 - d. MBOC: The Applicant shall implement a Memorandum of Understanding agreement with the Minority Business Opportunity Commission (MBOC),

and shall use its best efforts to utilize minority business enterprises for a minimum of 35 percent of contracted development costs.

- e. DOES: The applicant shall implement a First Source Agreement with the Department of Employment Services with respect to employment opportunities within the Applicant's control.
- f. Child Day Care Center: A day care center shall be provided at a subsidized rent for the benefit of the employees of the Vanguard Building and area residents for the period of 10 years. The Applicant shall provide approximately 2,500 square feet at a reduced rate of \$8 per square foot below market rates for five years, as determined by the Zoning Administrator with consultation from the Office of Business and Economic Development.
- g. Retail Subsidization Program: In order to attract and retain service oriented retail, approximately 1,374 square feet of grade level retail space shall be subsidized at 50 percent for a five-year period. This space shall be offered to small and minority businesses, and service-related establishments in order to assist some of these businesses that have been displaced, and are in such short supply in commercial projects.
- h. Public Space Improvements: Including pavers, landscaping, street furniture and light fixtures, the Applicant shall develop plans for uniform vending stands to be placed in the public space to be used by the various street vendors. The public space improvements are intended to add an aesthetically pleasing aspect to the streetscape, and shall be maintained by the Applicant. The Applicant shall be required to coordinate with DPW to include such language in an agreement with the District of Columbia to provide for perpetual maintenance of the public space. The public space improvements shall be implemented in accordance with the plan marked as No. 5 of Exhibit 7 and 9.
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9. The Applicant shall renovate the Vanguard Building in limestone and granite. The window glass shall be Guardian NU - 52 neutral, as shown on Exhibit No. 42C.
10. The Applicant is granted flexibility in the final detailing of the building with respect to the following matters:
 - a. Varying the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, location of elevators, electrical and mechanical rooms, so long as the variations do not change the exterior configuration of the building, including the penthouse;
 - b. Varying the design and arrangement of components within the enclosure of the penthouse;
 - c. The selection of the facade and window detailing issues, as well as the location and type of exterior lighting fixtures for the building shall be subject to the final approval of the Commission. The Applicant shall submit facade and window detailing and exterior lighting fixture samples to the Commission for approval prior to installation and prior to applying for a certificate of occupancy. No certificate of occupancy shall be issued until the Commission has approved the above-mentioned. This will not delay the applicant in obtaining the necessary District of Columbia approvals including, but not limited to, subdivision, building permits, or the like, or from beginning construction of the building;
 - d. Varying the arrangement of the parking spaces and modification to the below grade space to provide the opportunity for storage and other space to serve the proposed users of the building so long as such modification does not reduce below 90 the number of parking spaces to provided;
 - e. Permit the conversion of the subsidized retail space to another C-3-C permitted use only if the Zoning Administrator determines that the space cannot be leased to a small and/or minority business after one year of the issuance of the certificate of occupancy;
 - f. Allowing the flexibility permitted pursuant to the provisions of 11 DCMR Chapter 24; and
 - g. Varying the design of the day care center and the

rooftop play area in compliance with all District of Columbia regulatory requirements. No certificate of occupancy for the area designated as the day care center shall be issued until the final roof plan is submitted to the Zoning Commission for review and approval.

11. The loading requirements are waived to permit the provision of 2 loading berths and 1 service delivery space.
12. The Planned Unit Development approved by the Zoning Commission shall be valid for a period of 2 years from the effective date of this order. Within that time, application must be filed for the building permit, as specified in 11 DCMR 2407.2 and 2407.3. Construction shall start within 3 years of the effective date of this order.
13. No building permit shall be issued for this PUD 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 Division of the Department of Consumer and Regulatory Affairs (DCRA), which covenant shall bind the Applicant and successors in title to construct on and use this property in accordance with this order, or amendments thereto of the Zoning Commission.
14. The Zoning Secretariat shall not release the record of Case No. 88-6C to the Zoning Regulations Division until the applicant has filed a certified copy of the covenant in the records of the Zoning Commission.

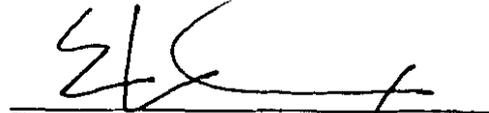
Vote of the Zoning Commission taken at the public meeting on September 15, 1988 4-0 Lindsley Williams, John G. Parsons, Elliott Carroll, and Maybelle Taylor Bennett to approve with conditions. Patricia N. Mathews, not present, not voting.

This order was adopted by the Zoning Commission at its public meeting on November 14, 1988 by a vote of 3-0 (Lindsley Williams, John G. Parsons, and Maybelle Taylor Bennett, to adopt as amended; Lloyd D. Smith not voting not having participated in the case, and Elliott Carroll, not present, not voting).

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In accordance with 11 DCMR 3028, this order is final
and effective upon publication in the District of Columbia
Register is on 23 DEC 1988.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat

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