

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 688
Case No. 90-21M/77-25
(PUD Modification @ Lafayette Centre)
March 11, 1991

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on January 7, 1991, to consider the application filed by 1120 Twentieth Street Associates for modification of a previously approved 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 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on August 31, 1990 requested a modification to Z.C. Order No. 189 (Z.C. Case No. 77-25), a previously approved Planned Unit Development (PUD) located on the west side of 20th Street between "L" and "M" Streets, N.W. (Square 100, Lot 116). The PUD project is also known as Lafayette Centre.
2. The original PUD approval was for the construction of one building of 7.0 floor area ratio (FAR) including approximately 317,770 square feet of gross floor area and 474,755 square feet of total area, including below ground space. The building would be 10 stories and 110 feet in height. The project also included an open plaza in the interior of the square. The building would contain about 60,000 square feet of retail space, in addition to 11,800 square feet below grade.
3. The subject site is phase one of a larger development for Square 100, the remaining parts or phases would include a hotel, additional office and retail spaces and would be submitted to the Zoning Commission.
4. The applicant specifically proposes to modify Phase one of Lafayette Centre. The PUD site measures approximately 45,130 square feet, and is currently zoned C-3-C. No change in zoning is sought in connection with the proposed modification to the previously approved Planned Unit Development.

5. Pursuant to Z.C. Order No. 279 dated June 14, 1979 (Case No. 78-27), Phases II and III of the Lafayette Centre complex was constructed, which included a mix-use office/retail building with a maximum FAR of 7.0 and a maximum height of 110 feet.
6. Pursuant to Z.C. Order No. 445 dated December 10, 1984 (Case No. 84-17C), Phase V of the Lafayette Centre complex was constructed, which included a mixed-use office/retail building with a maximum FAR of 9.241 and a maximum height of 110 feet.
7. The instant application proposes the construction of an enclosure for 60-80 outdoor restaurant seats adjacent to the mid-block pedestrian arcade and plaza of Lafayette Centre. The proposed enclosure would cover not more than 1,000 square feet of gross floor area, would be constructed primarily of brick, metal and glass, would be architecturally compatible with the existing structures of Lafayette Centre, and would be no higher than sixteen (16) feet. Under the proposed modification, 100 of the 170 existing outdoor seats (and the related tables) now in use at the restaurant would remain available for use outdoors during good weather.
8. The proposed modification will not change the height of Phase I of the Lafayette Centre project approved in Z.C. Order No. 189.
9. The proposed modification will increase the FAR for Phase I of the Lafayette Centre project by less than 1/4 of 1%, which is well within the density permitted by Z.C. Order No. 189.
10. The proposed modification would not increase peak traffic levels at this location over traffic levels that are currently generated.
11. The proposed modification is intended to increase the level of pedestrian traffic in Lafayette Centre during inclement weather and after normal business hours, which are desirable.
12. The District of Columbia Office of Planning (OP), by memorandum dated December 28, 1990, recommended approval of the application based upon the following:
 - a. The Lafayette Centre PUD last came before the Zoning Commission in 1984 for approval of Phase V an office building at the corner of 20th and M Streets, N.W. Each

of the phases has followed the master plan for Lafayette Centre in providing continuous arcades along the exterior, a through-block (pedestrian) connector and a major public plaza in the interior of the square. The plaza is the location of the proposed glass and brick enclosed restaurant addition;

- b. The subject project is located within a C-3-C high density commercial zone district along the western edge of the Central Employment Area, a few blocks east of the West End CR District (mixed commercial and residential) and one half block away from a high density, R-5-D, zone district. Thus, the project would be well positioned to draw on a broad population of office and residential users;
- c. The project site is located within an area designated for high density commercial use on the Comprehensive Plan Generalized Land Use Map. The Comprehensive Plan also encourages appropriately designed and located outdoor cafes that contribute to a positive level of pedestrian activity;

The revised proposal contains a single design for a linear cafe with one projecting bay at the middle. The proposal would provide for openness, with floor to ceiling windows, and of most of the landscape features would be preserved;

- d. The proposal would remove one of the ten existing trees, however, the PUD requires nine to eleven trees; and
 - e. The viability of retail at the ground floor is exceedingly important to the adjacent public space. Without viable retail, the amenity value of the adjacent pedestrian space is diminished. Nicer weather produces more volume in the outdoor cafe. Conversely, the cafe does not attract sufficient customers during inclement weather or evenings, reducing the outdoor cafe's ability to generate the kind of pedestrian activity which would likely occur should an enclosure be added there also.
13. Advisory Neighborhood Commission (ANC) 2A, by letter dated October 20, 1990, supported the approval of this proposed modification to Phase I of the Lafayette Centre Planned Unit Development.

14. The Zoning Commission concurs with the recommendations and/or position of OP and ANC-2A and finds that the proposed modification to Z.C. Order No. 189 is reasonable, appropriate, and not inconsistent with the goals and objectives of the Lafayette Centre Master-Plan, pursuant to Z.C. Orders No. 189, 278 and 445.
15. The Commission finds that the applicant has satisfied the intent and purpose of Chapter 24 of DCMR, Title 11, Zoning.
16. 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. NCPC, by report dated March 8, 1991, indicated that the proposed action of the Zoning Commission to approve the PUD modification 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 because control of the use and site plan is essential to ensure compatibility with the neighborhood.
2. The modification to this PUD carries out the purpose of Chapter 24 of the Zoning Regulations, which is to encourage the development of well-planned residential, institutional 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-right- development.
3. The modification to this PUD is compatible with city-wide goals, plans and programs, and will not change the overall nature or character of the Lafayette centre project.
4. Approval of this PUD modification is not inconsistent with the Comprehensive Plan for the National Capital, as amended.
5. Approval of this PUD modification is consistent with the purposes of the Zoning Act.
6. The PUD modification can be approved with conditions

that ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

7. Approval of this PUD modification will promote 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 (ANC) 2A the "great weight" consideration to which it is entitled.
9. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby orders modification of the Planned Unit Development for Lot 116 in Square 100 located at 1120 20th Street, N.W. and previously approved in Z.C. Order No. 189. This PUD approved is subject to the following guidelines, conditions and standards:

1. This Planned Unit Development (PUD) modification shall be developed in accordance with the architectural design sketches of Davis Buckley, AIA, and marked as Exhibit No. 20 of the record.
2. The proposed enclosure shall be used in conjunction with the restaurant adjacent to the plaza in Lafayette Centre, weatherproofing 60-80 seats that are already in place at the restaurant. It shall be constructed primarily of brick, metal and glass, shall not cover more than 1,000 square feet of floor area, and shall be no higher than sixteen (16) feet. Refinements to the proposed enclosure and the related area may be made in the final overall nature and character of Lafayette Centre.
3. Nine (9) of the ten (10) existing trees contained in recessed planter boxes on the raised plaza shall remain after construction of the enclosure. The Zoning Commission acknowledges that the applicant has previously augmented the original landscaping design of the Lafayette Centre project, and encourages the applicant to install additional planters, flower boxes and similar landscaping to further enhance the area around the enclosure.

4. After construction of the enclosure, outdoor seating and tables for approximately 100 persons shall remain on the plaza. The tables and seats may be stored during cold or inclement weather.
5. In order to further draw people into the plaza and increase the nighttime usage of the project, the applicant may install additional outdoor signage, artwork, and lighting (including neon) for the enclosure, consistent with the design character of Lafayette Centre.
6. No building permit shall be issued for the restaurant enclosure until the applicant has recorded a "Notice of Modification" of Z.C. Order No. 189 with the land records of the District of Columbia. That Notice of Modification shall include a copy of Z.C. Order No. 189 that the Executive Director has certified as a true copy.
7. After recordation of said Notice of Modification, the applicant shall immediately file a certified copy of the Notice of Modification with the Office of the Zoning Secretariat for the records of the Zoning Commission.
8. The Zoning Secretariat shall not release the record of this case to the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (DCRA) until the applicant has satisfied Conditions NO. 6 and 7 of this order.
9. The PUD modification 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 building permit as specified in Sub-section 11 DCMR 2407.1. Construction shall start within three years of the effective date of this order.
10. Pursuant to D.C. Code Sec. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987), and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Regulations Division/DCRA to approve permits, if the applicant fails to comply with any provision of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at the public hearing on

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January 7, 1991: by a vote of 4-0 (Maybelle Taylor Bennett, Tersh Boasberg, William L. Ensign, and Lloyd D. Smith, to approve with conditions - John G. Parsons, not voting not having participated in the case).

This order was adopted by the Zoning Commission at the public meeting on March 11, 1991, by a vote of 3-0 (Tersh Boasberg, William L. Ensign and Maybelle Taylor Bennett, to adopt - Lloyd D. Smith, not voting having temporarily left the meeting and John G. Parsons, not voting not having participated in the case).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on MAR 29 1991.



MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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