

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 832
Case No. 97-1C
(Consolidated Planned Unit Development
@ 2415 18th Street, N.W. &
2328 Champlain Street, N.W.
The Adams Morgan Garage and Residences)
December 8, 1997

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on June 16, 1997, to consider an application from the applicant, Adams Morgan Development Company Limited Partnership, for consolidated review and approval of a planned unit development (PUD), pursuant to Chapter 24 and Section 102, respectively, of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. On January 10, 1997, the applicant filed a request for the consolidated review and approval of a planned unit development for property located at 2415 18th Street, N.W., and 2328 Champlain Street, N.W., Lots 90, 91, 92, 105, 106 and 125 in Square 2560.
2. The applicant proposes to construct a parking garage to service commercial and residential uses in the area, containing approximately 325-350 spaces, and a mixed-use residential/commercial component with approximately 50-80 apartment units and approximately 4,000 square feet of retail space.
3. The subject property is currently owned by the District of Columbia. The District of Columbia would lease the ground under the proposed parking garage to the applicant for 27 years, and would sell the 18th Street parcel and the air rights above the garage to the applicant. After the 27 year lease period, ownership of the garage would revert to the District of Columbia.

4. The subject property is situated in Ward 1, just south of the intersection of 18th Street and Columbia Road, N.W., in the Adams Morgan neighborhood. The site is comprised of 46,573 square feet of land area, which is currently vacant and used as a surface parking lot. The truncated L-shaped site is approximately 337 feet long on Champlain Street and approximately 86 feet along 18th street, N.W. The site is separated between the two street frontages by a 16-foot wide north-south public alley.
5. The site is located in the mixed use low density commercial and moderate density residential land use category along 18th Street, and in the moderate density residential land use category along Champlain Street.
6. To the north and south along 18th Street, the site abuts small-scale three story rowhouses, which have been converted to retail, restaurants and other commercial uses. Similar small scale buildings are located to the west across 18th Street, N.W. The Champlain Street portion of the site abuts two-story rowhouses to the north and south.
7. There are a number of apartment buildings in the immediate vicinity that are the same height and scale as those proposed under the PUD. Among them are the Champlain Courts at 2370 Champlain Street, N.W., a five-story building to the north of the site, and five-story buildings at Champlain and Euclid Streets and across Champlain Street at Kalorama.
8. The subject site is "split-zoned," with the C-2-B District mapped along 18th Street, N.W., and RC/C-2-B District mapped along Champlain Street, N.W. The C-2-B District permits matter-of-right development to a height of 65 feet with no limit on the number of stories, and an overall floor area ratio (FAR) of 3.5, of which a maximum of 1.5 FAR can be devoted to retail uses or 3.5 FAR for residential purposes. The PUD guidelines for the C-2-B District permit a total FAR of 6.0, with a maximum of 4.5 FAR devoted to housing and 2.0 FAR allocated to other uses.
9. In conjunction with the underlying C-2-B zoning, the Reed-Cooke Overlay District further restricts the number of uses permitted, and restricts the height of buildings to 40 feet. A height of 50 feet may be permitted as a special exception by the Board of Zoning

Adjustment (BZA). In all other respects, the C-2-B zoning restrictions apply. In the Reed-Cooke Overlay District, a PUD may not exceed the matter-of-right height, bulk, and area requirements of the underlying, C-2-B District. The Reed-Cooke Overlay contains no restriction on the Zoning Commission's authority to allocate uses within the matter-of-right bulk of the underlying district.

10. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified above for height, FAR, lot occupancy, parking and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the BZA.
11. James Thackaberry, representative of the District of Columbia Department of Housing and Community Development (DHCD), the agency responsible for the property, stated that the property is being developed in response to a request for proposals (RFP) to study and remedy the severe parking shortage in the Adams Morgan area. Mr. Thackaberry testified that the applicant's proposal was selected because of the development team's extensive experience in Washington and because it most closely met the criteria of the RFP, which called for a 350-space parking garage, the construction of a mid-block pedestrian promenade between Champlain Street and 18th Street, and the construction of complimentary residential and commercial buildings at the north end of the Champlain Street site and on the 18th Street parcel. (Tr. at 13-15.)
12. The applicant, in testimony and in written submission to the record, stated that the Adams Morgan Garage and Residences would be developed in direct response to the Ward 1 Element of the Comprehensive Plan, which encourages the construction of additional housing and specifically calls for the establishment of a public parking facility in the vicinity of 18th Street and Columbia Road, N.W.
13. The project architect, Marshall Purnell, recognized by the Commission as an expert in architecture and site

planning, testified that the project would consist of two buildings. The larger building, five stories in height, consists of 157,890 gross square feet of space. It would be located along the Champlain Street, N.W. frontage of the site and would be mixed use, serving as a parking garage for commercial and residential needs in the area and a residential component. Approximately 75,240 gross square feet would be devoted to residential use and approximately 90,990 gross square feet would be allocated to the parking area. (Tr. at 26). Mr. Purnell also testified that a second, smaller building, three stories and 40 feet in height, would be located on 18th Street, N.W. It would contain approximately 4,000 gross square feet of retail space at the ground floor, and six condominium units on the upper two floors. (Tr. at 26.)

14. The project architect further testified that the five-story Champlain Street building would be separated into a north and south wing. The south wing would consist of a three-level, above-grade parking garage with two additional floors devoted to housing. The north wing would be exclusively residential in use. The parking required for residential uses of the project and the neighborhood would be located on the first level of the garage, and would be physically and permanently separated from the commercial parking spaces on the second and third levels. (Tr. at 26.)
15. Mr. Purnell also stated that an enclosed pedestrian bridge would connect the north and south wings of the Champlain Street building. (Tr. at 26.) A pedestrian plaza providing passive recreational space for residents would separate the north and south wings at the lower floors. Accessed directly from the street, this area would be paved with bricks and landscaped with trees and planting boxes. A flight of stairs at the rear of the plaza area would connect with the mid-block pedestrian promenade to 18th Street. The entrance to the north wing of the Champlain Street building would be located off the plaza. The entrance to the south wing would be directly from Champlain Street. (Tr. at 26-27.)
16. The project architect also described the design of the 18th Street building with regard to matching the height, massing and scale of the adjacent three-story brick rowhouses, which date from the turn of the century and are now used for commercial purposes. The

overall appearance of the building, however, would be modern in deference to contemporary design principles. Likewise, the design of the Champlain Street building also combines modern design tendencies with historical references. These elements are articulated differently from the 18th Street building in order to reflect the character of this particular street and the dual purposes of the new structure. The design of the buildings would enable the project to successfully blend with its surroundings and fill empty gaps in the Adams Morgan streetscape. (Tr. at 26-28; 58.)

17. The design concept was approved by the District of Columbia Redevelopment Land Agency's Architectural Review Board. (Tr. at 26,27).
18. By post-hearing submission dated June 26, 1997, the applicant provided supplemental drawings, including detailed landscaping and lighting plans and building materials for the proposal.
19. The parking garage has been designed to visually and physically separate the short term commercial parking spaces from the long term residential parking spaces. The entrance to the commercial parking garage is from 18th Street, one of two principle commercial arteries in the Adams Morgan neighborhood. (Tr. at 23.)
20. Vehicular access to and from the long term residential portion of the garage, on the first level, would be located off Champlain Street. This level, approximately 94 spaces, would be allocated to long term parking users, including occupants of the apartments, their visitors and guests, and would not be available for short term commercial parking purposes. (Tr. at 31, 55.)
21. The proposed project includes a loading dock at the rear of the north wing of the Champlain Street building, measuring 12 feet wide by 34 feet deep. (Tr. at 32.)
22. The construction of the PUD project would proceed in phases to allow a certain amount of surface parking to stay in place while the parking garage, the first phase, is constructed. (Tr. at 104-105.)

23. The proposed PUD does not meet all of the matter-of-right requirements of the C-2-B and RC/C-2-B Districts as follows:
- a. The Zoning Regulations require a rear yard of 12 feet, based on the height of the Champlain Street building. The project would provide a rear yard depth of eight feet.
 - b. The lot occupancy restriction is 80 percent in the C-2-B District and the project would occupy 82 percent of the lot.
 - c. The Zoning Regulations require 11,286 gross square feet for recreational space. The project would provide 3,620 gross square feet for recreational space.
 - d. The proposed project would have a FAR of 2.01 for nonresidential uses. This represents a 0.01 increase in the allowable nonresidential FAR.
 - e. The project would not have a 55-foot off-street loading dock as required by the Zoning Regulations. (Tr. at 32.)
 - f. All of the parking spaces proposed for the garage would measure 8 feet by 17 feet, which is smaller than the required standard size of 9 feet by 19 feet. Further, the required standard aisle width of 20 feet would be reduced to 19 feet. (Tr. at 34, 40.)
24. The project architect stated that relief from these matter-of-right restrictions including standard parking space size is necessary due to the particular constraints of the site. The project architect stated that the site is unusually shaped; is extremely narrow; and has a significant change in grade from (a) 18th Street to Champlain Street and (b) north to south. For example, a parking garage must have a minimum width of 100 feet in order to accommodate two double-loaded aisles. The Champlain Street portion of the site, however, is only 92 feet deep, thereby necessitating a reduction in the parking space size and aisle width. The project architect noted that the parking space size proposed for

- the project is still larger than the 18 feet by 6 feet compact parking space size. (Tr. at 34-35.)
25. Robert Morris, an expert in traffic planning and engineering, testified on behalf of the applicant. He stated that the proposed parking space size and aisle width could adequately accommodate the current size of automobiles. He also stated that 75 percent of the cars on the road today are either compacts or subcompacts. He further stated that the average size of automobiles in the past 20 years has decreased by 5.5 to 14 percent. He noted that during the 1960s, when cars were considerably larger, the Zoning Regulations required only a 14-foot aisle width for two-way traffic. He likewise noted that cars manufactured today have a much better turning radii to maneuver in smaller parking spaces and aisle widths. Mr. Morris concluded that in his professional opinion, the reduced parking space size and aisle widths of the proposed PUD is clearly adequate to serve current automobiles. (Tr. at 40-41.)
26. Mr. Morris also testified that the absence of a 55-foot loading dock on site would not be a detriment in serving the needs of this project. He stated it is unlikely that, given the size of the residential units of this project, there would be any deliveries in trucks larger than 30-feet in length. He stated that if, on rare occasion, a 55-foot tractor-trailer might be used, there is ample on-street parking during the day in which the truck can maneuver. He concluded that the requirement to accommodate a 55-foot tractor-trailer is inappropriate for this residential building and that no time restrictions would be necessary on-street loading. (Tr. at 39; 49-50.)
27. Mr. Morris further testified that there is a critical shortage of parking in the Adams Morgan neighborhood. He also stated that the traffic generated by the proposed project would have no adverse impact on existing traffic patterns. He concluded that from a traffic engineering viewpoint, the proposed project would not only be appropriate, but it would also be desirable. (Tr. at 37.)
28. The applicant stated that the project incorporates several of the amenities and benefits listed under the PUD regulations, as follows:

- a. Transportation. The defining public benefit of the proposed PUD would be its provision of 325-350 parking spaces in an above-ground garage to an area experiencing an acute shortage of off-street parking. The PUD project would significantly alleviate the parking problem in the Adams Morgan neighborhood and thus would achieve the specific goal of the PUD process under Subsection 2403.9(c) of the Zoning Regulations, which calls for transportation measures to mitigate adverse traffic impacts.
- b. Housing. The proposed PUD project would provide approximately 50-80 residential units to the housing stock of the city. Under Subsection 2403.9(f) of the Zoning Regulations, the PUD guidelines specifically state that the production of housing is a public benefit that the PUD process is designed to encourage
- c. Special Value to the Neighborhood. The Adams Morgan community has sought specific measures to relieve parking congestion in its neighborhood for over a decade. The current proposal's production of public parking fulfills a specific transportation objective for the Adams Morgan neighborhood, as set forth in subsection 1212(g)(2) of the Comprehensive Plan for Ward 1, and thus likewise fulfills the PUD objective of developing a project special value to the neighborhood.
- d. Urban Design. The proposed buildings have been sensitively designed to compliment the surrounding small-scale buildings of the Adams Morgan neighborhood. The architectural treatment includes historical references to the turn-of-the-century buildings that predominate, while at the same time introducing contemporary elements reflecting the vitality of the neighborhood. The project would provide high quality, superior design features reinforcing the visual identity of the community. The proposed landscaping would enhance the aesthetic quality of the area and create an attractive environment for people in the neighborhood.
- e. Site Planning. The proposed project would make effective use of the existing site by filling in

the gaps of the urban streetscape along 18th Street, N.W., and Champlain Street, N.W. Construction of the two buildings would properly organize the site and allow for the orderly development of the property. Further, the addition of a pedestrian plaza that serves as a through-block connector between 18th Street, an extensive uninterrupted city block at this locality, and Champlain Street, N.W., is an important public amenity that would significantly enhance pedestrian circulation and the visual character of the streetscape.

- f. Revenue for the District. The provision of a commercial parking facility would generate significant additional tax revenue for the District. Employment, sales and other revenue sources would further add to the District's income. Additionally, at the end of the 27-year lease to Adams Morgan Development Company, the garage would revert to District of Columbia ownership, thus providing direct revenues to the city.
 - g. Minority Business Opportunities. The applicant would enter into a Local, Small and Disadvantaged Business Opportunity Agreement with the District of Columbia Department of Human Rights and Local Business Development in order to achieve the goals of the Agreement. This agreement contributes significantly to the District of Columbia goal of ensuring adequate opportunities for local, small and disadvantaged businesses to participate in development projects throughout the city.
 - h. First Source Employment Opportunities. The applicant would execute a First Source Employment Agreement with the Department of Employment Services (DOES) in order to achieve the goal of utilizing District of Columbia residents for at least 51 percent of the jobs created by the PUD project.
29. The District of Columbia Office of Planning (OP), by memorandum dated June 4, 1997, and by testimony presented at the public hearing, recommended that the application be approved. OP concluded that the project fits within the overall PUD permitted height and bulk limits of the C-2-B and RC/C-2-B split-zoned site. OP

- further stated that the project directly fulfills key Comprehensive Plan goals through its provision of both housing in the Reed-Cooke neighborhood and a much needed and long sought parking facility for the 18th Street area. (Tr. 84.)
30. The District of Columbia Department of Public Works (DPW), by memorandum dated June 16, 1997, supported the proposed PUD. DPW expressed concern, however, that the lack of a 55-foot off-street loading dock may have some adverse impact on traffic circulation on the local street adjacent to the project. To mitigate this impact, DPW recommended that any on-street loading activity proposed for Champlain Street be limited to non-peak traffic hours only. DPW concluded that the project would bring a very much needed public parking facility to an area where parking is in short supply.
 31. Advisory Neighborhood Commission 1C did not participate in the public hearing or submit a report into the record of the case. However, a letter from ANC 1C to the applicant, dated December 12, 1996, stating its support for the PUD project was submitted to the record at the public hearing.
 32. Mr. Todd Mosley, the former Single Member District representative for ANC 1C06, testified as an individual in the support of the application. (Tr. 92-93.)
 33. Mrs. Margaret Ann Jackson, owner of the property at 2300 Champlain Street, N.W., which abuts the proposed PUD to the south, testified in support of the project. She further requested assurances from the applicant that her property would be adequately protected from damage during construction. (Tr. 100; 95-101.)
 34. The Commission was assured by the applicant during the hearing that its construction insurance would adequately cover any damage to abutting properties that may occur during construction.
 35. Mr. Pat Patrick, President of the Adams Morgan Business Association, testified in support of the PUD application.
 36. The Commission concurs with the position of the applicant, DHCD, OP, DPW, and the representative of ANC 1C06 that the proposed planned unit development should be approved.

37. The Commission finds that the applicant has met its burden of demonstrating the appropriateness of the public benefits and other meritorious aspects of the proposal. Those benefits include the provision of a 325-350 space parking garage in direct response to the Ward 1 Plan, the provision of housing, superior architectural design, site planning, landscaping and increased revenue for the District.
38. The Commission finds that the reduction in the size of the required standard parking space and aisle widths for the proposed parking facility is appropriate, based on the expert testimony of the traffic engineering/planning witness and the report of the Department of Public Works.
39. The Commission finds, based on the expert testimony of the traffic engineering/planning witness, that the provision of the proposed loading dock is adequate to serve the needs of the residents of the buildings.
40. The Commission finds that the minor deviations in lot occupancy, rear yard, nonresidential FAR and recreational space requirements are mandated by the narrowness of the site and its unusual shape and topography and will not adversely affect neighboring properties.
41. The PUD project is not inconsistent with the Comprehensive Plan, which specifically calls for a public parking facility in the Adams Morgan neighborhood under the Ward 1 Plan.
42. The Commission finds that the applicant has satisfied the intent and purpose of Chapter 24 of the Zoning Regulations.
43. 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. The NCPC, by Delegated Action of the Executive Director dated October 29, 1997, found that the proposed PUD would not 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 the development of the subject site in a manner consistent with the best interests of the District of Columbia.
2. The development of this PUD carries out the purposes of Chapter 24 of 11 DCMR to encourage the development of well-planned residential, institutional, commercial and mixed-use projects that offer a variety of building types and 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. The approval of this application is not inconsistent with the Comprehensive Plan of the National Capital and the purpose and intent of the Zoning Act.
5. The proposed application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and assure neighborhood stability.
6. 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 text and map of the Zoning Regulations.
7. ANC 1C did not officially participate in this application, but the Commission acknowledges its support of the project.
8. 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 contained in this order, the Zoning Commission for the District of Columbia orders **APPROVAL** of this application for consolidated review of a planned unit development for Lots 90, 91, 92, 105, 106 and 125 in Square 2560 located at 3415

18th Street, N.W., and 2328 Champlain Street, N.W. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The planned unit development (PUD) shall be developed in accordance with the plans prepared by the architectural firm of Devroux and Purnell, dated June 26, 1997, and marked as Exhibit No. 4, as modified by the guidelines, conditions and standards of this order.
2. The PUD project shall be a mixed-use development consisting of two buildings: the Champlain Street building, comprised of a parking garage with approximately 325-350 spaces and between 44-74 residential units; and the 18th Street building, comprised of approximately 4,000 gross square feet of retail space and approximately 6 residential units.
3. The PUD project shall not exceed 55 feet in height.
4. The total floor area ratio (FAR) shall not exceed 3.63, with 1.62 FAR devoted to housing and 2.01 FAR devoted to nonresidential uses.
5. The lot occupancy of the PUD shall not exceed 82 percent.
6. The first level of the garage, approximately 94 parking spaces, shall be set aside for long term parking needs of residents, their visitors and guests. The long term residential and short term commercial parking spaces shall be visually and physically separated from one another. Vehicular access to the short term commercial spaces shall only be from 18th Street, N.W.; the vehicular entrance to the residential parking spaces shall be from Champlain Street, N.W.
7. Landscaping and lighting shall be in accordance with the plans dated June 26, 1997, and marked as Exhibit No. 4A of the record.
8. One off-street 30-foot loading berth shall be provided in accordance with the plans.
9. The applicant shall provide adequate construction insurance to cover damages that might occur to abutting properties during the course of the development of the PUD.

10. The applicant shall enter into a First Source Employment Agreement with the District of Columbia Department of Employment Services.
11. The applicant shall enter into a Local, Small and Disadvantaged Business Opportunity Agreement with the Department of Human Rights and Local Business Development.
12. The applicant shall have the necessary flexibility to make adjustments to the project with respect to interior partitions, structural slabs, doorways, columns, apartment unit mix and parking layout.
13. The PUD may be built in phases in order to maintain a certain amount of surface parking during construction. Phase I may include the parking garage or portions thereof, with the residential/retail components to follow.
14. No building permit shall be issued for the site until the applicant has recorded a covenant in the land records of the District of Columbia satisfactory to the Office of the Corporation Counsel and the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construct on and use the property in accordance with this order, and amendment thereto of the Zoning Commission.
15. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission.
16. The PUD approval by the Zoning Commission shall be valid for a period of two years from the effective date of the Commission's order. Within such time, application must be filed for a building permit as specified in 11 DCMR 2408.8. Construction shall start within three years of the effective date of the Commission's order.
17. Pursuant to D.C. Code Section 1-2531, Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of Law 2-38, as amended and codified as D.C. Code, Title 1, Chapter 25. The Commission's approval is conditioned upon full compliance with those

provisions. Nothing in the Commission's order shall be understood to require the Zoning Regulations Division of 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 its public meeting on July 14, 1997 3-0: (John G. Parsons, Maybelle Taylor Bennett to approve; Herbert M. Franklin to approve by absentee vote; Jerrily R. Kress not voting, not having heard the case).

This order was adopted by the Zoning Commission at its regular public meeting on December 8, 1997 by a vote of 3-0 (Herbert M. Franklin and John G. Parsons to adopt; Maybelle Taylor Bennett to adopt by absentee vote; Jerrily R. Kress not voting, not having heard 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 DEC 26 1997.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning