

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 245

Case No. 78-7P

December 14, 1978

Pursuant to notice a public hearing of the D.C. Zoning Commission was held on May 18, 1978 and continued on September 25, 1978. At these hearing sessions the District of Columbia Zoning Commission considered an application from the Washington Metropolitan Area Transit Authority (WMATA) for preliminary approval of a Planned Unit Development (PUD).

FINDINGS OF FACT

1. The site of the proposed PUD is located on the west side of the 4200 block of Connecticut Avenue, N.W.; lots 800 and 801 in square 2047. The site is unimproved land bounded on the east by Connecticut Avenue, the south by Veazy Terrace, the west by the University of the District of Columbia, and the north by Idaho Avenue, N.W.
2. The area of the subject site comprises approximately 65,600 square feet.
3. The application does not contemplate a change of zoning and will utilize the existing C-3-A zoning. The site is surrounded by C-3-A zoning to the east and to the north. The University of the District of Columbia property is owned by the Federal Government and is not subject to zoning.
4. The C-3-A District as a matter-of-right permits office and retail commercial uses, to a maximum height of sixty-five feet, a maximum floor area ratio (FAR) of 4.0 with commercial uses limited to 2.5 FAR, and a maximum lot occupancy of seventy-five percent for residential uses.

5645

Order No. 245

Under Section 7501 the maximum height may be increased to ninety feet and the maximum permitted floor area ratio may be 4.0, all of which could be for commercial development.

5. The existing land uses adjacent to the subject site are medium-high density retail commercial and offices in the Van Ness Center to the east, low-medium retail commercial and offices to the north, and institutional in the form of the University of the District of Columbia to the south and the west.
6. The existing land uses in the general area include the medium-high density residential/commercial corridor along Connecticut Avenue which is surrounded by low density residential uses and institutional properties such as the University of the District of Columbia and the Chancery Center.
7. The site was acquired by WMATA to accommodate the construction of the west entrance to the Van Ness/UDC Metro Station, twenty-five "Kiss n'Ride" spaces, and five off-street bus bays. The site is presently being utilized by a WMATA contractor as a staging area for construction of the subway.
8. The WMATA proposes to develop the site over its subway facilities by means of a long-term lease arrangement, with land uses complementary to those land uses in the area.
9. The preliminary application proposes the construction of a commercial retail/office development under, over, and adjacent to the west entrance of the Van Ness/UDC Metro Station. Conceptually, the facility will include 40,000 square feet of retail space on the main level, eight floors of office space of approximately 28,000 square feet per floor, and two subgrade levels of parking totaling 430 spaces.

Order No. 245

10. The application proposes building to a height of between ninety and one hundred feet to an FAR of 4.0 (265,000 gross square feet), requests a waiver in the three-acre minimum requirement, requests a twenty-five percent reduction in required parking spaces (525 to 430), requests exempting WMATA-related uses from the computed FAR of the building, and requests 100 percent lot occupancy at the main level.
11. Sub-paragraph 7501.24(a) limits the height of a PUD in a C-3-A District to ninety feet. Sub-paragraph 7501.24(c) provides that the percentage of lot occupancy shall be as otherwise prescribed in the Regulations. In a commercial district, there is no limitation on lot occupancy for commercial buildings. Sub-paragraph 7501.24(e) provides that parking should be provided as normally required. That paragraph also authorizes the Commission to require whatever amount of parking is reasonable for the site. As part of the flexibility inherent in the PUD process, the Commission can and has in the past excluded from the computation of gross floor area those portions of particular projects which are exclusively devoted to public purposes.
12. The applicant, by testimony presented at the hearing, reported that the revenue generated by the proposal would help WMATA to defray capital and operating costs of the Metro-rail system.
13. The goals and policies of the District of Columbia, as outlined in the draft Municipal Planning Office Ward three and City-wide Land Use Objectives, identify the Van Ness/UDC Metro Station as a development area which is among the highest in the level of development, outside the downtown area. The 1985 Land Use Objectives of the National Capital Planning Commission designate this area as an "Uptown Center", a multi-purpose major activity center with strong transit orientation and a significant concentration of retail and office uses.

Order No. 245

14. The subject site is appropriate for development as a Planned Unit Development. The presence of the Metro station entrance and other associated Metro facilities create a need to find a more flexible design solution for the property than would be available under zoning as a matter-of-right. In addition, it is highly desirable to control the characteristics of development on the site to assure an appropriate relationship and transition between the University of the District of Columbia, the site and the Connecticut Avenue high density corridor.
15. The development concept proposed in the PUD is of exceptional merit. The proposal to capitalize on the unique qualities of the site by integrating commercial development with the public mass transit facilities is in the best interests of the District of Columbia.
16. The Municipal Planning Office, by memorandum dated September 20, 1978 and by testimony presented at the hearing, reported that the site is suitable for a PUD, consistent with the goals and policies of the city, and appropriate for the proposed use, height, density, and bulk characteristics. The Municipal Planning Office discussed five alternative development concepts for the site, and recommended that the Commission give preliminary approval to the fifth alternative. That proposal recommended a height of seventy-five feet on the northern portion of the site and thirty-five feet on the southern portion, with a maximum lot coverage of sixty-five percent. These standards were proposed to provide for a development which adequately protected the University of the District of Columbia and was consistent with the height, bulk and use of surrounding properties. The Commission finds that such standards accomplish the desired objectives.
17. The D.C. Department of Transportation, by testimony given at the hearing supported alternative #5, as identified in the MPO report dated September 20, 1978. The Department noted that Veazy Terrace is not a public street, but a private right-of-way belonging to the University of the District of Columbia.

Order No. 245

The Department indicated that the traffic circulation pattern which it approved will not be feasible if the ~~Veazy Terrace issue is not resolved.~~ The Department ~~has~~ supported reducing the parking requirements to 300 spaces because of the potential future increase in the use of the bus/rail service, creating less of a need for use of private automobiles for commuter use.

18. The applicant submitted for the record copies of agreements between WMATA and the University and easements to show that WMATA will be able to use Veazy Terrace for traffic circulation.
19. The D.C. Department of Finance and Revenue, by the MPO report dated October 6, 1978, indicated that the site is presently exempted from real estate taxes but would generate approximately \$322,000 of annual taxes, if the property was returned to the tax rolls as proposed.
20. The University of the District of Columbia by testimony presented at the hearing opposed the original proposal for reasons related to height, parking and siting. The UDC testified that the development of its Van Ness Campus had been carefully planned and scrutinized by the Fine Arts Commission and the National Capital Planning Commission for compliance with high standards of aesthetic design. The design objectives of the site planning were to position buildings, plazas and landscape items so as to be functional within the campus complex and to avoid imposing on existing buildings on Connecticut Avenue by recognizing a 120 to 230 foot setback. The setback created a broad visual vista of the campus entrance from the Avenue. It is believed by UDC that the height and density requested in the original PUD application would adversely impact the University. The University also testified that the parking requirements for the proposal would generate traffic that would adversely impact the University. The University testified that it would find the alternative #5 proposed by the MPO to adequately protect its interest.

Order No. 245

21. Advisory Neighborhood Commission 3F, by letter dated April 24, 1978, supported the proposal. Subsequent to the completion of the public hearing, ANC 3F, by letter dated September 27, 1978, expressed deep concern regarding issues raised by UDC. The ANC expressed hope that UDC would be given greater opportunity to comment on and review the design and uses of the proposed building so as to avoid potential adverse environmental impacts on the campus. As to the latter issue, the Commission finds that the University has played an active role in the development of this project, and that the University's interest will be protected by the conditions that the Zoning Commission will impose in the granting of this application.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, since control of the use and site plan is essential to insure compatibility with the neighborhood.
2. Approval of the application would be consistent with the purpose of the Zoning Act, "to promote such distribution of land uses as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity and recreational, educational and cultural opportunities, and as would tend to further economy and efficiency of supply of public services".
3. The approval of the application would 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.
4. The proposed application can be approved with conditions which would insure that development would not have an adverse effect on the surrounding area.
5. The Commission can approve the preliminary application even though the site contains less than the required minimum area because the proposal is in the best interest of the District of Columbia, and the MPO has concurred in the approval.

Order No. 245

6. The Commission takes note of the position of the Advisory Neighborhood Commission and in its decision has accorded to the ANC the "great weight" to which it is entitled.

DECISION

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby orders APPROVAL of the preliminary application for a Planned Unit Development, for lot 800 and 801 in square 2047, located on the west side of the 4200 block of Connecticut Avenue, N.W. The Zoning Commission also hereby waives the three acre minimum area requirement, in accordance with the provisions of Sub-paragraph 7501.23(c). The approval is subject to the following guidelines, conditions and standards:

1. The building shall be limited to the uses permitted in the C-3-A District.
2. The floor area ratio of the building shall not exceed 3.5.
3. The areas devoted to Metro facilities shall not be included in the gross floor area of the building.
4. The maximum height of the building shall not exceed seventy-five feet on the northern portion of the site, and thirty-five feet on the southern portion of the site.
5. The percentage of lot occupancy of the building shall not exceed sixty-five percent, to insure adequate open space and pedestrian areas at street level.
6. The number of parking spaces provided should be between twenty-five and fifty percent below the normal minimum requirements of the C-3-A District.
7. The number of loading spaces provided shall be in accordance with the normal requirements of the C-3-A District.
8. The final design of the project should be complementary

Order No. 245

to the University of the District of Columbia Van Ness Campus, and the building should be sited and massed with due regard for the visibility to and from the campus.

9. The final design shall include a substantial extension of the pedestrian plaza adjacent to the Student Center and engineering buildings of the University campus to the proposed site connecting to the ground or upper floors of the new building. Such connection to the proposed development shall be prepared in conjunction with the University of the District of Columbia.

Vote of the Commission taken at the public meeting of October 16, 1978: 3-0 (Ruby B. McZier, John G. Parsons, and Walter B. Lewis, to approve with conditions - Theodore F. Mariani and George M. White, not present not voting).



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHLR
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on December 14, 1978 by a vote of 4-0 (George M. White, Ruby B. McZier, Walter B. Lewis and John G. Parsons to adopt, Theodore F. Mariani not voting, not having participated in the case).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 15 DEC 1978.