

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: ^{JLS} Jennifer Steingasser, Deputy Director for Development Review & Historic Preservation

DATE: June 1, 2018

SUBJECT: ZC 79-19A/78-7F, Modification of Consequence, 4250 Connecticut Avenue, NW

I. APPLICATION AND RECOMMENDATION

BDC Van Ness LLC (applicant) requests a Modification of Consequence, pursuant to Subtitle Z § 703, to ZC 79-19/78-75, ZC Order 318, Decision Nos. 2 and 11, for the PUD located at 4250 Connecticut Avenue, NW.

The Office of Planning (OP) recommends **approval** of the requested Modification of Consequence to modify ZC Order 318, Decision Nos. 2 and 11 and the approved plans as follows: (The proposed revision would read: (Deleted language is shown in ~~strikethrough~~ and additions are shown in **bold** and underline)

2. The planned unit development shall be developed in accordance with the revised plans filed with the Zoning Commission, dated ~~May 19, 1980~~ **[INSERT NEW DATE]**, prepared by ~~Hartman Cox Architects~~ **Perkins + Will Architects** and marked as Exhibit No. ~~42~~ **[INSERT NEW EXHIBIT NUMBER]** of the record, as ~~modified by drawings marked as Exhibit No. 64 of the record,~~ except as those plans may be modified to conform to the guidelines, conditions and standards of this order.

11. Landscaping shall be provided as shown on the landscape plan, marked as Exhibits No. ~~45 and Sheets 6 and 26 of Exhibit No. 42~~ **[INSERT NEW EXHIBIT NUMBER]**; as ~~modified by sheets 1 (C1) and 1 (C2) of Exhibit No. 65...~~ **In addition, the design of the planter on the fourth floor terrace shall be as shown on sheet 1 (A1) of Exhibit No. 65.**

II. BACKGROUND

Prior Zoning Commission Orders relating to the development of 4250 Connecticut Avenue, NW are summarized in the table below:

Case #	Effective Date	ZC Action
ZC 78-7P, Order No. 245	December 15, 1978	1 st Stage PUD with no zoning change for an office building with ground floor retail and WMATA parking.
ZC 79-19/78-7F, Order No. 318	July 18, 1980	2 st Stage PUD for an office building with ground floor retail and WMATA Kiss and Ride facility.

III. PROPOSAL

The proposal is to modify the approved plans associated with ZC Order No. 318. The requested modifications are summarized as follows:

Ground Floor (Exhibit 1F1, pages 2-4)

- Infill the ground floor retail arcade along Connecticut Avenue with new storefront glazing and entries;
- Replace the fabric awnings with solid spandrel to anchor new canopies and retail signage; and
- Lower the three-story entry arcade to two stories by infilling the third portion at the third level.

Second Level (Exhibit 1F1, pages 2, 10-12)

- Infill arcade openings and resize the existing windows;
- Remove decorative brick piers and decorative caps; and
- Replace brick spandrels with metal panel spandrels.

Upper Floors (Exhibit 1F1, pages 2, 8, 9, 11, 12; Exhibit 1F2, page 2)

- Replace glass panels with single pane glass similar to that on the ground floor but retain mullion spacing; and
- Transform the ballasted roof on the fourth through sixth levels into outdoor landscaped terraces.

Parking Level (Exhibit 1F1, page 7)

- Introduce openings on parking level P-1 to allow access between the Kiss and Ride area and the building parking; and
- Install new elevator lobby to serve the combined parking.

Interior Courtyard (Exhibit 1F1, pages 2, 5-6, 13, 14, 19)

- Remove The interior courtyard is currently accesses through stairs from the Metro Plaza and from the bus lane.
- Remove the vacant storefronts, storage space, exterior mezzanine and exterior stairs which flank the courtyard on the second level of the building to allow for a larger courtyard;
- Extend the existing lobby onto the courtyard, thereby increasing the visibility to the rear of the site; and
- Provide landscaping with new planters containing trees and low vegetation in the new courtyard.

Area Adjacent to the Metro Station (Exhibit 1F1, pages 2, 15-17)

- Replace retaining wall and tall planters with lower landscape planters
- Remove tall planters in the mezzanine level and replace them with lower planters to provide seating and soften the landscape.

Rear of the Site and Site Perimeter (Exhibit 1F2, page 16)

- Activate the existing bus lanes through the use of paving, lighting, and portable seating.

IV. ANALYSIS

Modification of Consequence

To accommodate the proposed changes to ZC 79-19/78-7F, Order No. 318 the applicant requested a Modification of Consequence pursuant to Subtitle Z § 703:

703.3 For the purposes of this section, the term “modification of consequence” shall mean a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance

703.4 Examples of modification of consequence include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.

The building at 4250 Connecticut Avenue, NW was constructed in accordance with ZC Order 318 and associated plans. At that time, large buildings with ground floor retail were internally focused around a central court and arcades were used to separate and shelter retail use and users from adjacent streets and walkways. Buildings were very opaque and disconnected from sidewalk and street activities. Since that time, building designs have progressed and are now more transparent, open, and allow for direct views into the building and open spaces. They are more pedestrian friendly and allows for interaction on the ground floor. Retail uses have direct access from the sidewalks, and extensive landscaping is incorporated within and around buildings.

The requested modifications would result in a modernization of the building and would not increase the approved maximum FAR of 3.5 as all the spaces within the arcade and courtyards were already included in the overall FAR of the building. No additions are proposed to the building. OP agrees that the proposed modification can be addressed as a modification of consequence as the proposal would be to a condition of the final order as well as the redesign of architectural elements and open spaces.

The subject property is within Ward 3. The Comprehensive Plan, Rock Creek West (RCW) Area Element has policy recommendations for Conserving and Enhancing Community Resources (RCW -1.2₂₃₀₉). An Action Item to implement this policy, and which is relevant to this development is:

Action RCW-1.2.F: Façade Improvements.

Encourage urban design and façade improvements in the established commercial districts along Wisconsin Avenue and Connecticut Avenue. _{2309.17}

The property is within the Van Ness Commercial District. In the fall 2014, the DC Office of Planning launched the Van Ness Commercial District Action Strategy (Action Strategy), a short, strategic planning initiative and engagement process. The Action Strategy is a planning tool called a vision framework. Unlike a small area plan which is a more in-depth plan adopted by DC Council, a vision framework is a lighter, briefer, strategic planning effort which delivers a high-level vision for the neighborhood and identifies key implementation items to direct public and private investment.

The Van Ness Commercial District Action Strategy Report was finalized on April 12, 2016 and outlines a vision for the Van Ness Commercial District to realize a thriving, vibrant and attractive commercial center and provides a framework to reinvigorate retail, enhance public space, increase sustainability, and guide development. The Action Strategy lays out a blueprint for the Commercial District that focuses on creating a new retail identity, making better use of the corridor's wide sidewalks, embracing leadership in environmental sustainability, and maximizing the opportunities for commercial development. The Action Strategy frames the commercial revitalization recommendations around the visions for public space, retail, sustainability, and commercial development.

The Commercial Opportunity Strategy at page 25 identifies the building and properties along the corridor as being *Under Construction*, as a *Redevelopment Opportunity* or for *Repositioned Retail*. The subject property is one recommended for *Repositioned Retail* and are described as follows:

“Each of these sites could potentially redevelop in the next 5 to 10 years. Each has the opportunity to replace existing conditions with more retail-appropriate space, a more continuous and inviting public space and the types of retailers that are in line with current market demand.”

To implement the Commercial Opportunity Strategy, a number of recommendations are made, one of which is to extend retail spaces to the buildings' edge. At page 26, a recommendation to address the vision in relation to the subject building is:

“EXTEND RETAIL SPACES TO THE BUILDING EDGE. New construction should follow the building line with retail entrances and windows directly lining the building face. Entrances should not be recessed because retailers have lower visibility in these spaces. Existing arcades and recessed entryways should be built out to the building line when possible.”

Examples of the changes to effectuate the vision are shown in the Action Strategy and at page 15, an illustrative rendering conceptually depict how the vision for public space retail, sustainability, and commercial opportunities might come together at the subject building and the Metro plaza. Many of the proposed changes to the subject building would implement the vision. Although the submission does not address improvements of the public space the applicant would be working with DDOT, the Van Ness Main Street and other stakeholders to implement landscaping and other improvements within the public space.



Concurrent with the Action Strategy was another study, *Shades of Green: Green Infrastructure and Pavement Removal Strategy, January 2016* for Connecticut Avenue, which includes the subject property. The study was also done by OP in collaboration with DDOT and community stakeholders. The pavement removal strategy for Connecticut Avenue from Van Ness Street to Albemarle Street aims to improve the pedestrian experience through the identification of opportunities to remove existing impervious paving; identification of appropriate hardscape and landscape plant materials; development of a plan and designs for incorporating green infrastructure where feasible; and ensure new LID facilities do not negatively impact existing underground utilities, including those supporting Metro. The applicant has committed to working with community stakeholders towards the implementation of these strategies within the public space.

The proposed changes to the building would be consistent with the recommendations of the Comprehensive Plan, the *Van Ness Commercial District Action Strategy* and *Shades of Green: Green Infrastructure and Pavement Removal Strategy*. To implement these recommendations, the applicant proposes to modify the language of Z.C. Order No. 318, Decision Nos. 2 and 11 related to the approved architectural and landscape drawings. Decision Nos. 2 and 11 state the following:

2. The planned unit development shall be developed in accordance with the revised plans filed with the Zoning Commission, dated May 19, 1980, prepared by Hartman Cox Architects and marked as Exhibit No. 42 of the record, as modified by drawings

marked as Exhibit No. 64 of the record, except as those plans may be modified to conform to the guidelines, conditions and standards of this order.

- 11 Landscaping shall be provided as shown on the landscape plan, marked as Exhibits No. 45 and Sheets 6 and 26 of Exhibit No. 42, as modified by sheets 1 (C1) and 1 (C2) of Exhibit No. 65... In addition, the design of the planter on the fourth floor terrace shall be as shown on sheet 1 (A1) of Exhibit No. 65

The proposed revision would read: (Deleted language is shown in ~~striketrough~~ and additions are shown in **bold** and underline)

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V. ANC and COMMUNITY COMMENTS

ANC-3F and the Forest Hills Citizens Associations were the two parties to the PUD. The ANC-3F/01, within which the subject property is located, submitted a letter at Exhibit 1G, stating that the applicant has met with the community regarding the proposed changes prior to its submission to the Zoning Commission and that the proposal would be reviewed by the full ANC following its submission to the Zoning Commission.

The Forest Hills Citizens Association and Forest Hills Neighborhood Alliance submitted a joint letter of support at Exhibit 1H, and states that the applicant would continue to work with Van Ness Main Street on the details of landscaping, streetscaping and retail recruitment to further community goals of storm water mitigation to protect Soapstone Creek, enhanced green spaces and gathering spaces, as well as the continued resurgence of the commercial center.

Van Ness Main Street also submitted a letter in support of the proposed modifications, Exhibit 1I, and submits that the applicant has worked with and will continue to work with them on landscaping within the public space.

VI SUMMARY

OP agrees that the proposed modification can be addressed as a modification of consequence as the proposal would not increase the FAR of the building or make any other change that would increase

the intensity of the building. The proposed modifications would implement the recommendations of the Comprehensive Plan, the *Van Ness Commercial District Action Strategy*, and the *Shades of Green: Green Infrastructure and Pavement Removal Strategy*. In addition, the applicant has worked with the community organizations and they are in support of the proposed modifications. OP therefore recommend approval of the proposed modification of consequence and that the approved plans and ZC Order 318 be modified as requested.

JLS/mbr