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VIA IZIS AND HAND DELIVERY

Zoning Commission for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

**Re: Request for Modification of Consequence to Planned Unit Development
Z.C. Case No. 79-19/78-7F / Z.C. Order No. 318
4250 Connecticut Avenue, NW (Square 2047, Lot 1)**

Dear Members of the Commission:

On behalf of BDC Van Ness LLC (the “Applicant”), we submit this application for a Modification of Consequence to the above-referenced planned unit development (“PUD”), approved pursuant to Z.C. Order No. 318, for property located at 4250 Connecticut Avenue, NW (Square 2047, Lot 1) (the “PUD Site” or “Site”). As described below, the Modification of Consequence is requested to modernize and upgrade the building façade, replace and improve exterior elements, and introduce internal re-programming within the garage.

This application is submitted pursuant to Subtitle Z § 703 of the 2016 Zoning Regulations (“11 DCMR”), which allows the Zoning Commission to approve Modifications of Consequence without a public hearing. The application is properly reviewed as a Modification of Consequence because it involves (i) the redesign and relocation of architectural elements and open spaces from the final design approved by the Zoning Commission in Z.C. Order No. 318; and (ii) modifications to the text of the conditions related to the project’s final design in Z.C. Order No. 318.¹

Enclosed is Application Form 105 (Exhibit A) and a check in the amount of \$520.00 for the required filing fee. Also enclosed are authorization letters from the Applicant and the property owner authorizing Holland & Knight LLP to file and process this application (Exhibit B).

¹ Pursuant to 11-Z DCMR § 703.4, “[e]xamples 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*” (emphasis added).

A. The PUD Site

The PUD Site is located in the northwest quadrant of the District and is bounded by Windom Place to the north, Connecticut Avenue to the east, Veazey Terrace to the south, and the University of the District of Columbia (“UDC”) to the west. The Van Ness-UDC Metrorail Station is located adjacent to the PUD Site at the northwest corner of Connecticut Avenue and Veazey Terrace.

The PUD Site is generally shaped as a parallelogram, with the majority of its frontage located along the west side of Connecticut Avenue. The PUD Site has a land area of approximately 65,601 square feet and is presently improved with an existing office building that was constructed in 1981 pursuant to Z.C. Order No. 318 (the “Existing Building”). The PUD Site is zoned MU-7 (C-3-A under the 1958 Zoning Regulations which were in effect at the time that the PUD was approved).

B. Prior Zoning Commission Approvals

Pursuant to Z.C. Order No. 245, dated December 14, 1978, and effective on December 15, 1978 (Exhibit C), the Zoning Commission approved an application filed by WMATA for a preliminary PUD at the PUD Site. At the time, the PUD Site was owned and utilized by WMATA as a staging area for construction of the Metrorail system, and had been acquired to accommodate construction of the west entrance to the Van Ness-UDC Station, 25 “kiss n ride” parking spaces, and five off-street bus bays. *See* Z.C. Order No. 245, Finding of Fact (“FF”) No. 7 and Z.C. Order No. 318, FF Nos. 7-8. WMATA proposed to develop the PUD Site over the Metrorail facilities by means of a long-term lease. The preliminary project approved in Z.C. Order No. 245 was for “commercial retail/office development under, over, and adjacent to the west entrance of the Van Ness-UDC Metro Station” with 40,000 square feet of retail space, eight floors of office space, and two subgrade levels of parking. *See* Z.C. Order No. 245 at FF Nos. 8-9.

Pursuant to Z.C. Order No. 318, dated July 10, 1980, and effective on July 18, 1980 (Exhibit D), the Zoning Commission approved an application filed by Prudential Insurance Company of America and WMATA to construct the Existing Building as a new multi-story office, retail, and commercial structure on the PUD Site, incorporating Metrorail, Metrobus, and the kiss n ride transit facilities. The Existing Building was approved to have 40,919 square feet of rentable retail commercial space on the first two floors and the first below-grade level, and 162,359 square feet of rentable office space on the five top floors. *See* Z.C. Order No. 318, FF. Nos. 9-10. The project was approved to have a maximum density of 3.5 FAR and a maximum building height of 38 feet, 6 inches (three stories) on the southern portion of the building and 78 feet, 6 inches (seven stories) on the northern portion of the building. *Id.* at Decision Nos. 4 and 6. The approved massing was intended to provide an effective and attractive transition from the proposed three-story plaza level to the five-, six-, and seven-story buildings along Connecticut Avenue. *Id.* at FF. No. 11(c). In addition, the Commission approved a lot occupancy of 65%, 252 parking spaces (including 27 vault spaces), which was 41% less than the minimum number of parking spaces required by the Zoning Regulations at the time of approval, and three loading berths. *Id.* at FF. No. 11(d)-(f) and Decision Nos. 7-9.

C. Requested Modification of Consequence

The approved drawings that are specifically referenced in Z.C. Order No. 318 are attached as Exhibit E (the “Approved Drawings”). As shown on the proposed architectural drawings (Exhibit F) (the “Proposed Drawings”), the Applicant requests approval to modify the Approved Drawings by upgrading and modernizing the building façade, replacing and improving exterior elements, and introducing internal re-programming within the garage.

At the ground level, the Applicant proposes to infill the existing retail arcade along Connecticut Avenue with new retail storefront glazing and entries. The existing glass storefronts will be removed and relocated out so that they sit between the existing brick clad piers at the building’s main building façade. The existing fabric retail awnings will be removed and replaced with a solid spandrel that can be used to anchor new canopies and retail signage. The building has an existing 3 story arcade at the entry, which is adjacent to the existing building lobby on the ground level and tenant spaces on the upper levels. The Applicant proposes to infill the arcade at the third level, leaving the entry arcade two stories. At the façade, the materials of the infilled area will match the adjacent brick banding and window line.

At the second level along Connecticut Avenue, the existing windows and arcade openings are sized and spaced between full height brick piers to read as an extension of the retail level below. This creates the appearance of a two story arcade along Connecticut Avenue. A brick spandrel section breaks the vertical continuity at the second level, fabric awnings are attached to the brick spandrel at retail. A decorative brick "cap" highlights the top of each brick pier along the glass line of the second level.

As part of the renovation, the Applicant proposes to simplify the existing implied two story expression. The intent is to remove the partial height intermediate decorative brick piers at the second level and to remove the decorative brick caps at the full height brick piers to remain. Metal trim will frame the new storefront between the full height brick piers. The applicant proposes to replace the existing brick spandrel with a new metal panel spandrel. The exposed edge of the brick adjacent to the storefront will be clad and finished.

On the upper floors, the exterior ribbon windows extend along the building’s perimeter on all exterior facades. The windows are comprised of a dark glazing separated from a secondary reflective glazing by a horizontal mullion. At the building’s corners, the reflective glass is full height. The Applicant proposes to replace the glass panels with a single glass pane that will match the glass of the new retail level. The existing mullion spacing will remain. On the fourth through sixth levels, the existing ballasted roof will be outfitted to function as outdoor terraces for building tenants.

The building’s intermediate parking level, which is currently inaccessible from the building’s main parking level, will remain, but the Applicant proposes to introduce openings into the existing walls that separate this intermediate level from the adjacent building parking. A new elevator lobby will be constructed to serve the combined parking level.

At approximately 4,656 square feet, the building’s interior courtyard is accessible through exterior stairs located adjacent to the Metro plaza and a second exterior stair from the bus lane. The elevation of the courtyard is in line with the elevation of the building’s second floor, and the

architectural language established by the retail storefront on Connecticut Avenue is continued at this second level tenant storefront. A two-story building entrance is also accessible through the courtyard. The Applicant proposes to extend the existing lobby volume into the courtyard. Adjacent to the courtyard are vacant retail and storage spaces, exterior mezzanine, and exterior stair (which serves the lower parking levels) which will all be removed. The result will be a larger, 5,372 square foot exterior courtyard that will increase visibility across the Site. The new courtyard will be re-landscaped with new planters containing trees and low vegetation that will replace the smaller existing planters.

At the entry plaza on the south side of the Site adjacent to the Metro station, the existing retaining wall and tall planters will be replaced with a lower, landscaped planter. The mezzanine level in this location will be removed and new lower planters will be installed to provide seating and soften the landscape, complementing the proposed landscaping in the courtyard. The rear of the Site will be fully landscaped and the existing bus lane will be activated using paving, lighting, and portable seating elements. In all locations within the property line, existing paving will be replaced with a smaller scale paver.

Based on the foregoing, the Applicant proposes to modify the language of Decision Nos. 2 and 11 of Z.C. Order No. 318, which relate to approval of architectural and landscape drawings. Decision Nos. 2 and 11 state the following in relevant part:

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 HartmanCox 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 Applicant seeks approval to modify this language to 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~~ [INSERT NEW DATE], prepared by ~~HartmanCox 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.~~

The requested modifications shown on the Approved Drawings and the associated changes to the conditions of Z.C. Order No. 318 are consistent with the original intent of the Zoning Commission in approving the project, since the modifications are simply to update the 40 year-old building to bring it up to modern office building standards. The modifications can therefore be approved without a public hearing because they solely seek to change conditions in the final order and to redesign/relocate architectural elements and open spaces from the final design approved by the Commission, which is fully consistent with 11-Z DCMR § 703.4.

D. Service on Affected Advisory Neighborhood Commission (“ANC”) and Community Support

Pursuant to Subtitle Z § 703.13, the Applicant is required to formally serve a copy of the subject application on all parties to the original proceeding, including ANC 3F, at the same time that the request is filed with the Office of Zoning. Other than ANC 3F, the only other party to the original proceeding was the Forest Hills Citizens Association (“Forest Hills”). As noted in the Certificate of Service attached hereto, the subject application was served on ANC 3F and Forest Hills at the same time that it was filed with the Zoning Commission.

In addition, the Applicant has already presented the proposed modifications to the Single Member District ANC commissioner for the Site, Forest Hills, and Van Ness Main Street, and all three have submitted letters of support for the proposed modification. *See Exhibits G through I*, respectively. The Applicant will continue to work with the ANC and community stakeholders throughout the PUD modification application process.

E. Conclusion

The Applicant respectfully requests approval of this Modification of Consequence to modify the Approved Plans and the associated language in Z.C. Order No. 318. The request is consistent with the intent of the Zoning Commission in approving the original application; accordingly, approval of the Modification of Consequence is appropriate.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Christopher H. Collins
Jessica R. Bloomfield

Enclosures

cc: Jennifer Steingasser, D.C. Office of Planning (*See Certificate of Service*)
Joel Lawson, D.C. Office of Planning (w/enclosures, via Email & Hand Delivery)
Maxine Brown Roberts, D.C. Office of Planning (w/enclosures, via Email & Hand Delivery)

Anna Chamberlin, DDOT (w/enclosures, via Email)
Advisory Neighborhood Commission 3F (*See Certificate of Service*)
Commissioner David Dickinson, ANC 3F01 (*See Certificate of Service*)
Jane Solomon, Forest Hills Neighborhood Association (*See Certificate of Service*)

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2018, a copy of the foregoing application for a Modification of Consequence for the approved PUD at 4250 Connecticut Avenue, NW (Square 2047, Lot 1) was served by email, with hard copies sent on May 7, 2018.

Jennifer Steingasser
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Via Email & Hand Delivery

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