

Government of the District of Columbia

ZONING COMMISSION



Zoning Commission Order No. 213
Case No. 77-26P
April 13, 1978

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on January 17, 1978, January 30, 1978 and February 13, 1978. At these hearing sessions the Zoning Commission considered an application by Georgetown University for preliminary approval of a Planned Unit Development and related amendment to the zoning map of the District of Columbia.

FINDINGS OF FACT

1. The applicant in this case, Georgetown University, originally filed an application for a map change from SP to C-3-B which was later amended to include an application for preliminary approval of a planned unit development. The amendment was accepted by the Commission at its October 13, 1977 meeting. The property is bounded by fifth, sixth, D and E Streets, N.W., (Square 489 Lots 815, 818, 831, 832 and 833) in the area generally known as Judiciary Square. The area of the site totals approximately 57,250 square feet and is now used as a commercial parking lot which can accommodate approximately 250 cars.
2. The subject site was formerly the location of the Law Department of the Georgetown University, established at this location in 1898. The Law School now occupies a new facility recently constructed at 600 New Jersey Avenue, N.W., and the subject site is now a commercial parking lot. The property included in this application covers approximately three-fourths of Square 489. The remainder of the square is occupied by the offices of the Recorder of Deeds of the District of Columbia at Sixth and D Streets, N.W., two row structures which house offices and a carry-out restaurant, and a four-story structure at 506 Fifth Street, which houses a bondsman's office and law offices. The two buildings at the corner of 5th and D Streets are historic structures, one being the old D.C. Jail House.

3. Square 489 is adjacent to the eastern edge of the central business district with C-3-B zoning to its immediate south, C-4 immediately west, and SP to the north and east. To the west, on Sixth Street between D and E Streets, are a nine-story office building and a ten-story office-retail building. South of this square are the new court facilities of the District of Columbia. East of the subject property is the U.S. Court of Military Appeals Building, the center portion of the Judiciary Square area including the Pension Building and the Old City Hall, the Municipal Center and the U.S. Department of Labor Building. The square north of the subject property is devoted to a variety of uses, including the headquarters of the Salvation Army, a sightseeing company, law and bondsman's offices, and the new Engine Company No. 2 firehouse.

4. Judiciary Square is an area of unique architectural and historical character and of particular importance to the city as a whole. The Planned Unit Development process, under which the Zoning Commission can approve a specific site plan, height and bulk requirements use restrictions and other design factors, is an appropriate method for controlling development on the site.

5. The site is within the area for which a master plan for Judiciary Square was developed in 1971 by the D.C. Department of General Services, and approved by the National Capital Planning Commission. The plan proposed the grouping of government office buildings adjacent to the Square. The plan proposed that new buildings be of uniform height, and be setback from Judiciary Square along both 4th and 5th Streets, N.W. Both the WMATA building in Square 487 and the new firehouse in Square 488 have observed the setback along 5th Street. The master plan shows an office building for Square 489 with a height of ninety feet and a forty foot setback along the 5th Street frontage.

6. The planned unit development proposes the construction of a general use office building with two floors of retail space. The preliminary plans propose a ten-story building with floor area ratio of 7.0, a gross floor area of approximately 400,000 square feet, a height of 120 feet and a lot occupancy of approximately seventy-four per cent.

Three levels of the building would be below ground. The ground floor and the first level below ground would be devoted to retail space. The total gross floor area devoted to retail space would be approximately 34,350 square feet. The remaining two levels below grade are devoted to parking and mechanical storage. Parking spaces for 237 cars and spaces for 25 bicycles are proposed. Pedestrian access to the building would be from Fifth Street and Sixth Street, N.W. Vehicular and service access would be provided at the southern end of the building adjacent to the remaining structures in Square 489. Special architectural treatment will be provided at street level on the Fifth Street frontage and the structure will occupy the entire Sixth Street frontage from the northern lot line on E Street to the lot line north of the Recorder of Deeds Office on the south.

7. The PUD application and rezoning will increase the maximum permitted floor area ratio from 5.5 to 7.0 and the maximum permitted height from ninety to 130 feet. The Height Act of 1910, however, effectively restricts buildings constructed on this square to a maximum of 120 feet. A change in use would also be permitted by the rezoning. The S-P District permits all types of residential development as a matter of right and the conversion of existing buildings to offices is limited to use for chanceries, non-profit organizations, labor unions, architects, dentists, doctors, lawyers, and other similar professional persons. New construction to house the aforementioned limited office uses is subject to Board of Zoning Adjustment approval as a special exception in the SP District. General office and retail uses are permitted as-a-matter of right in the C-3-B District.

8. The Commission finds that restriction of the proposed development to the limitations of the Judiciary Square plan would effectively prevent development of this site. The Commission finds that the setback of buildings from the Square itself is appropriate, to line up with existing new buildings to the south. The Commission finds that the height of 120 feet, particularly in view of the space in part created by the setback, would not be inappropriate in this location.

9. As the subject site is completely cleared of structures, the rezoning of this site will entail no relocation of residential housing and will not decrease the housing stock of the city.

10. Under the proposed planned unit development, off-street automobile parking would be provided in accordance with the minimum requirements of the C-3-B District. Furthermore, off-street loading facilities would be provided at the minimum rate required in the C-3-B District.
11. On the basis of testimony presented at the public hearing by the applicant's traffic consultant, it was established that because of excellent public transportation in the area, sixty-five per cent of the employees of the proposed structure would utilize public transportation for their work trips.
12. The D.C. Department of Transportation, by memorandum dated January 17, 1978, and by testimony at the hearing reported that it did not anticipate measurable adverse impacts due to the proposed development. Moreover, the Department stated that the existing transportation system can serve the project without requiring modifications or additional public expenditures. The Commission so finds.
13. The D.C. Department of Environmental Services, by report to the Municipal Planning Office established that there is sufficient water and sanitary sewerage capacity to service the proposed development. Solid waste management will be provided under private contract for which the Department has adequate disposal capacity. The Department stated that the trunk services for storm water management serving this area are deficient, and that on-site storm water management facilities be provided.
14. The applicant, as a part of its plan, will install a water retention system on the roof of the proposed building that will improve existing conditions and lessen the present impact on the storm water sewer system serving this area.
15. The Fire Department, by report dated November 28, 1977, indicated no adverse condition that would affect the operations of the Fire Department. The Commission so finds.
16. The Municipal Planning Office, by report dated March 6, 1978, and by testimony presented at the public hearing, stated that the overall project is appropriate as a planned unit development and meets the general requirements of the PUD process. The proposed project would be consistent with plans for the area by providing general use office space where it is now prohibited. It is anticipated that construction of this project will increase the private market's confidence in the future of the area and will result in a better utilization of this property. It will also increase the quality of retail services available to area workers. The Municipal Planning Office recommended that this application should be approved on a preliminary basis subject to conditions. The Commission so finds.

17. There was no report from Advisory Neighborhood Commission 2C.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling the development of this site.
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 Maps 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.

DECISION

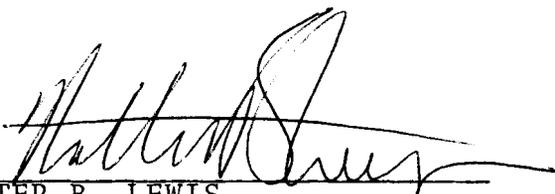
In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby Orders Approval of the preliminary application for a Planned Unit Development, for Lots 815, 818, 831, 832 and 833 in Square 489, located at and bounded by Fifth, Sixth, D and E Streets, N.W., subject to the following guidelines, conditions and standards:

1. An application for a change in zoning from SP to C-3-B shall accompany the application for final approval of the planned unit development.
2. The overall FAR for the project shall not exceed 7.0.
3. The maximum height of the project shall not exceed 120 feet, provided that roof structures may exceed the 120 feet limit, but shall not exceed 18'6" in height above the roof upon which they are located.

4. The use of the building shall be restricted to office and supporting accessory uses, and retail space and supporting accessory uses, provided that no such retail uses shall be visible from the exterior of the building on 5th Street, N.W., that there be no signs on the 5th Street frontage advertising the presence of the retail uses, and that there be no direct access to the retail uses from the exterior of the building on 5th Street.
5. Off-street automobile parking shall be provided in accordance with the minimum requirements of the C-3-B District and shall be computed in accordance with the gross floor area devoted to individual uses in the building.
6. Off-street loading facilities shall be provided at the minimum required in the C-3-B District.
7. Vehicular access to parking and loading areas shall be by way of 5th and 6th Streets, N.W.
8. Pedestrian access to the retail levels of the buildings shall be provided from 6th Street, N.W., and the interior arcade of the building.
9. A convenient and secure parking area for a minimum of 25 bicycles shall be provided.
10. The building shall be set back approximately forty feet from the 5th Street property line to line up with the WMATA building located between "F", G, 5th and 6th Streets, N.W. The applicant may wish to respond to the set back requirements of the Judiciary Square Master Plan in a number of ways including creation of a court or plaza area or other appropriate alternatives. A detail landscaping plan shall be submitted by the applicant which shows the use and treatment of this setback area.
11. The applicant shall provide facilities for storm water retention on the roof of the building which meet the requirements of the Department of Environmental Services.

12. The design of the exterior facade and the materials of the building shall be in accordance with the requirements of the Municipal Center-Judiciary Square Master Plan.

Vote of the Commission taken at the public meeting of March 9, 1978: 3-1 (Walter B. Lewis, Theodore F. Mariani, and George M. White to approve with CONDITIONS, John G. Parsons opposed and Ruby B. McZier not present, not voting).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on April 13, 1978 by a vote of 3-1 (George M. White, Theodore F. Mariani and Walter B. Lewis to adopt, John G. Parsons opposed, Ruby B. McZier not voting by proxy, not having heard 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 26 APR 1978.