

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 274*
Case No. 78-19/76-14F
April 12, 1979

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on December 11, 1978 and February 22, 1979. At these hearing sessions the Zoning Commission considered an application from George Washington University (GWU) for final approval of a Planned Unit Development and related Map Amendment to the Zoning Map of the District of Columbia.

FINDINGS OF FACT

1. This is an application for final approval under Article 75 of the District of Columbia Zoning Regulations effective through February 15, 1979, for a Planned Unit Development (PUD). The filing also involves a related request for a change of zoning from R-5-C to C-3-B. The subject site contains approximately 68,800 square feet of land bounded by 19th, 20th, F, and G Streets, N.W. (Square 121; lots 16, 807-811, 813, 814, 816, and 817) and includes the area of an alley proposed to be closed.
2. A portion of the subject site is presently occupied by a historic landmark, the Alexander Ray House, located on the northeast corner of the intersection of 20th and F Streets, N.W. and a Category II Landmark on the local inventory. Another portion of the subject site was the former location of two other historic landmarks, the Lenthall Houses, those houses were moved to the 600 block of 21st Street, N.W. as part of this PUD and are Category II Landmarks on the local inventory and the National Register of Historic Places. The remaining portions of the subject site is presently being used as a surface parking lot for interim use under the GWU campus plan, accommodating approximately 130 automobiles.

*NOTE: This order was amended by Zoning Commission Order No. 280, dated May 17, 1979.

The only remaining property in Square 121, not included in the PUD is the Concordia United Church of Christ and rectory, located at the southeast corner of the intersection of 20th and G Streets, N.W.

3. The Zoning Commission granted preliminary approval of the PUD and related Map Amendment by Order No. 186 dated October 13, 1977. The Commission specified guidelines, conditions, and standards in that order which governed the use height, bulk, density, and design of the site.
4. The R-5-C District permits general residential uses, including single-family dwellings, flats, apartments, and hotels to a maximum floor area ratio (FAR) of 3.5, and a maximum height limit of ninety feet. The C-3-B District permits a high-bulk major business and employment center for office and retail commercial uses, to a maximum FAR of 6.5, and a maximum height limit of ninety feet. Under the PUD process, a maximum height limit of 130 feet and a maximum FAR of 7.0 is permitted.
5. The subject property is located on the border between the high density office-retail area comprising the central core of the Downtown area and the residential-university area of Foggy Bottom. Immediately to the north, northeast, and east are high density, 130 foot office buildings, one of which houses the International Monetary Fund (IMF) and others which house existing facilities of the World Bank. Additionally to the east is a ninety foot apartment house. To the southeast is the national office of the Federal General Services Administration which is 110 feet in height to the top of the structure. To the south are a ninety foot GWU dormitory, two smaller three-story residential structures, one housing the Embassy of Uruguay, and a three story office building. To the southwest is a block of ninety foot apartment houses. To the west is a ninety foot GWU dormitory and some three-story row-houses, used by GWU and various fraternities. To the northwest, the square is devoted entirely to GWU buildings, varying in height and use.
6. Nineteenth and Twentieth Streets are major arterial highways, 19th Street is one-way southbound and 20th Street is one-way northbound. "F" and "G" Streets are local Streets and carry limited local traffic.

7. The subject site is well served by public transportation with numerous buslines operating on adjacent or nearby streets. The Metro stations at Farragut West (18th and Eye) and at Foggy Bottom (23rd and Eye Streets) are within walking distance of the site.
8. The zoning originally adopted in 1958 limited the major commercial zoning categories (C-3-B and C-4) to the area closest to Pennsylvania Avenue. The SP-2 category (formerly SP) was applied to the property fronting on "E" Street, and extended as far north as "F" Street east of 18th Street. The remainder of the area was zoned R-5-C. By 1966, this pattern had been substantially altered. Commercial zoning had been extended as far west as 19th Street and as far south as "F" Street. The SP-2 District had been extended to "F" Street between 19th and 20th Streets, and R-5-D zoning had been applied to the south side of "F" Street west of 20th Street. The present zoning pattern has been altered since 1966 only by the extension of C-3-B zoning to part of the square bounded by 19th, 20th, "G" and "H" Streets, immediately north of the subject square. This zoning was changed as part of a PUD approved for the IMF. The result is that the subject site is bounded on the north by C-3-B zoning, on the northeast by C-4, on the east by C-4 and C-3-B, on the southeast by unzoned Federal property, on the south by SP-2, on the southwest by R-5-D and on the west and northwest by R-5-C zoning.
9. Square 121 is located within the University campus plan area approved by the Board of Zoning Adjustment on December 22, 1970 in Case No. 10403. The general boundaries of the campus plan are 19th Street on the east, Pennsylvania Avenue on the north, "F" Street on the south, and 24th Street on the west. The illustrative campus plan shows the easterly portion of the square designated for high density office use and provides for the retention of the Alexander Ray House, the Church and Church rectory located on the westerly portion of the square. Square 120 which is occupied by IMF and lies on 19th Street is not included and a portion of the property in Square 122 adjacent to 19th and "F" Streets is included.
10. The PUD proposes the construction of a twelve story office building with underground parking to accommodate 229 cars based on gross floor area. With the exception of an auditorium and retail commercial facilities, the proposal is for the

- use of the World Bank and supporting accessory uses, or GWU.
11. The maximum height proposed is 130 feet, the total lot occupancy is 81.42 percent, and the proposed FAR is 6.0.
 12. As required under Article 75 of the Zoning Regulations, the applicant proposes the following public amenities:
 - a. Retail - commercial uses on the G Street side of the street level,
 - b. Public use of an auditorium,
 - c. An arcade, benches, and planting along the G Street side,
 - d. Retention of the Ray and Lenthall Houses
 13. In addition to the previously cited public amenities, the applicant proposes the following features for the users of the buildings:
 - a. An atrium,
 - b. A cafeteria,
 - c. An outdoor garden adjacent to the Ray House, and
 - d. A lower roof-top deck for passive recreation, accessible from the sixth floor.
 14. In granting preliminary approval to the application, the Zoning Commission established guidelines, conditions, and standards applicable to the final application. As to those guidelines, conditions, and standards, the Commission finds the following:
 - a. The applicant filed an application for a change in zoning from R-5-C to C-3-B with the application for final approval.
 - b. The Ray House, located at 1925 "F" Street, is to be preserved on its present site along with its gardens to the rear and side. The building shall be used as a residence, private club, for some university related purpose by George Washington University or for some function of the World Bank. A draft covenant for preservation of the building was submitted as Exhibit 26 of the record.

- c. The Lenthall Houses, formerly located at 612 and 614 19th Street, have been moved to a site on the west side of 21st Street, between "F" and "G" Streets, N.W., known as 606-610 - 21st Street, Lots 50 and 51, Square 80. The houses shall be used as residences or for some university related purpose by George Washington University. A draft covenant for preservation of these buildings was submitted as Exhibit 26 of the record.
- d. Computations submitted by the applicant show that a 6.0 FAR for the entire site would yield 412,768.92 square feet of gross floor area. The existing Ray House has 6,643 square feet of gross floor area, and the proposed new building would have a gross floor area of less than 406,125.92 square feet, thereby in compliance with condition 4 of the Order.
- e. Condition 5 of the Order restricted the use of the building as follows:

"Any new building shall be restricted to use by the World Bank as office space and supporting accessory uses, including but not limited to library, cafeteria, computer space, etc. The building may also be used for a university-related purpose by George Washington University. The street floor of the building shall be used for retail and commercial uses which would be directly accessible from the exterior of the building and would be open to the public at large. The applicant shall submit with the final application, for approval by the Zoning Commission, a list of commercial uses proposed to occupy the street floor."

The applicant requested that the Commission allow the World Bank to lease that office space in the building which it did not immediately need. The Commission finds that it is not appropriate for the Bank to be able to lease the space for any unrestricted office use, as one of the prime considerations in approval of the preliminary applications was that the site "is a reasonable location for offices for the World Bank, give the proximity to existing bank offices, the capital investment by the bank in those offices, the proximity to other elements of the international community, including the International Monetary Fund and the location vis-a-vis the State Department and other Federal executive agencies." The Commission finds however, that rather than leave parts of the building vacant, it would be appropriate to allow leasing of that space for office use by other tenants meeting the last two criteria.

For that reason, the Commission will allow the bank to lease space to other international agencies or foreign governments. As to the commercial uses proposed for the street floor, the applicant originally requested permission to allow any use permitted in any commercial district. This was subsequently modified by a request to allow certain specific uses, as identified by lists marked as Exhibits 25 and 36. The ANC also submitted a proposed list. For reasons identified below, the Commission finds it appropriate to allow as a retail use any use permitted in a C-2 District.

- f. The maximum height of the new building is proposed to be 130 feet from the point of measurement on G Street, as shown on sheet SK-11 of the plans marked as Exhibit 38 of the record. The 130 foot length extends 115 feet, 4 inches from the right-of-way of 19th Street. The portion west of that distance is below sixty feet in height.
- g. The new building to be constructed on the site does not extend west of the line which separates the property of the Concordia United Church of Christ and George Washington University, as that line is extended south to intersect the "F" Street right-of-way.
- h. Off-street automobile parking will be provided at the rate of one space for each 1800 square feet of gross floor area or 229 spaces. The World Bank submitted with the final application a program, marked as attachment C-3 to Exhibit 1, for allocating parking spaces to car pools on a priority basis.
- i. Off-street loading berths will be provided at the minimum rate specified for a C-3-B District, or three berths.
- j. A convenient and secure parking area for a minimum of twenty-five bicycles will be provided on the first cellar level of the new building.
- k. The ground floor of the new building includes a pedestrian arcade on the F, G and 19th Street sides of the building. There are also planter boxes, benches street trees and other such amenities. There will be retail uses along the G Street side of the building. At the corner of 19th and G Streets, the first floor of the building has been recessed to provide a greater amount of space.

1. The west facade of the building, which faces the Ray House and Concordia Church, has been designed in the same manner as the remaining three facades. The height of the building along that facade has been held to below sixty feet. The revised plans submitted by the applicant, discussed below, have addressed the sensitivity to the Church.
 - m. A generalized landscaping plan has been submitted as sheet SK-16 of the plans marked as Exhibit 38.
15. After the end of the first day of hearing, the applicant submitted revised plans to the Commission. The revisions were made in response to discussions of the Commission at the first hearing. The revisions included additional landscaping on the lower roof level, and two alternative treatments for the facade of the building facing the west. These revised plans are the plans which the Commission considered in determining the application.
16. The District of Columbia Municipal Planning Office (MPO), now known as the Office of Planning and Development (OPD), by memorandum dated December 6, 1978 and by testimony presented at the hearing indicated that the applicant complied with Order #186, with the exception of deficiencies related to the following conditions:
 - a. The location and access to the off-street loading berths,
 - b. Retail-commercial uses, and
 - c. Design sensitivity to the Ray House and the Concordia Church of Christ.

The Commission finds that the off-street loading berth deficiency has been resolved as reflected in the revised plans submitted as Exhibit #38 of the record. The Commission finds that the adequacy and type of retail uses, as determined by the Commission below, is also satisfactory. The Commission finds that the revised plans submitted by the applicant reflect the kind of sensitivity to the Church which the Commission desired initially.

17. The District of Columbia Department of Transportation (DCDOT) by testimony presented at the hearing and by memorandum dated March 2, 1979, recommended a reduction of the proposed 229 parking spaces to 130, based on long-range parking space policy. The Commission recognizes the validity of the intent of DCDOT's recommendation to reduce the number of parking spaces to encourage the use of mass transit and other city policies. However, the Commission is not convinced in this case that the recommended reduction is justified, particularly in light of the large number of people who will be employed in this building and in light of the proposed car pooling priority submitted by the World Bank. The Commission will therefore reduce the level of parking to be provided, but not as far down as recommended by DOT.

18. Advisory Neighborhood Commission - 2A appeared as a party in opposition to the proposal at the hearing. ANC-2A identified the following issues and concerns as to the application:
 - a. Whether the total FAR was exceeded,
 - b. Whether the use of the building was exclusively for the World Bank, in light of the Bank's expressed intention to rent out office space,
 - c. Whether there was adequate retail-commercial space allocated,
 - d. Whether the parapet of the building exceeded 130 feet and the balconies of the building projected beyond the property line on F, G, and 19th Streets,
 - e. Whether the design of the street level and arcade area discourages and disallows pedestrian use, and
 - f. Whether the applicant was in compliance with Order No. 186 regarding the landscape requirements for the Ray House.

The ANC-2A made the following specific recommendations:

- a. All of the first floor except circulation areas should be used for neighborhood oriented commercial uses. The atrium and the dining areas could be lowered one story and have the same effect as in their present location, or they could be placed on the 6th floor and use the roof space. Shops could have direct access from "F" Street as well as G Street. The types of uses to be allowed should be established by the Zoning Commission. A list of appropriate uses was submitted by the ANC.

- b. The height of the building should be limited to 130 feet from the measuring point to the top of the parapet.
 - c. The landscaping treatment and arcades should be changed to permit the free flow of pedestrians around the perimeter of the building. Wherever possible, ramps instead of stairs should be used.
 - d. The setback at the rear of the building should continue across the entire west side. The building should be stepped back at a forty-five degree angle beginning at the second floor level.
 - e. The new building should not extend into public space. It should stay within its lot lines and preserve the building lines established by the Ray House and Concordia Church.
 - f. The use of the building should be limited to the World Bank and George Washington University. Since the World Bank needs only one-half of the space, the entire tower can be left unbuilt, or constructed at a later time.
19. The Zoning Commission is required to give "great weight" to the issues and concerns of the Advisory Neighborhood Commission. As to those issues and concerns, and the recommendation of the ANC, the Commission finds as follows:
- a. The total floor area ratio of 6.0 has not been exceeded for the site as a whole. The gross floor area of all the buildings is less than 412,768.92 square feet.
 - b. The Commission has already addressed the issue of office space in finding of fact No. 14.
 - c. The amount of retail space included in the project is insufficient. It is not appropriate for the 19th Street frontage of the building to include retail space, since this will be the main entrance for the World Bank and should not be devoted to other uses. It is however appropriate to use both the F and G Street frontages for retail space.

The building is not to contain a retail shopping arcade, and it is thus not appropriate to extend the retail commercial uses beyond those areas of the building which immediately front on F and G Streets. As to the kinds of uses permitted, the Commission believes that it is not possible to develop an all-encompassing list of uses which would be neighborhood oriented. The Commission will therefore restrict the retail and service uses to those permitted in the C-2 District, which is a neighborhood shopping district.

- d. The height of the building will not exceed 130 feet, as discussed in finding of fact No. 14, above.
 - e. The revision to the plans already made by the applicant, and the further revisions necessary to comply with conditions imposed herein are responsive to the concerns of the ANC regarding landscaping and pedestrian circulation.
 - f. The building generally is sensitive to the two existing buildings to the west. Of the two proposed alternatives regarding the west facade submitted by the applicant, the Commission finds that alternative A, which indents the third and fourth floors of the building adjacent to the Church, is acceptable and sufficient to avoid adverse impact on the Church.
 - g. The projection of balconies into public space is a matter which is not under the direct jurisdiction of the Zoning Commission. The Commission notes that the projection of balconies is permitted in the Building Code, and that the design of the building as modified meets all of the requirements of the Zoning Commission.
20. Don't Tear It Down appeared as a party in opposition at the hearing and by letter dated March 1, 1979 identified concern and recommendations for the following:
- a. Extensive retail-commercial use at the street level, and
 - b. Sensitivity for the relationship between the proposal and the two existing buildings on the site,

The Commission believes these issues have already been addressed and can be adequately resolved in the decision on this application.

21. The proposed action was referred to National Capital Planning Commission under the terms of the District of Columbia Self-Government and Governmental Reorganization Act and the NCPC reported that the proposed map amendment and PUD will not have an adverse impact on the interests or functions of the Federal Establishment within the National Capital and is deemed to be not inconsistent with the Foreign Missions and International Agencies element of the Comprehensive Plan for the National Capital in accordance with the resolution adopted by the Planning Commission on October 6, 1977 adopting such element, and provides for the preservation of the historic structures by preserving the Ray House on its present site and relocating the Lenthall Houses.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling development of the subject site,
2. Approval of this final application is appropriate, because it is generally consistent with the present character of the area and because it would encourage stability of the area,
3. Approval of this final application and change of zone from R-5-C to C-3-B is in conformity with the entirety of the District of Columbia zoning plan as embodied in the District of Columbia Zoning Regulations and Map,
4. 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,
5. Approval of this final application for a planned unit development and change of zone from R-5-C to C-3-B is in accordance with the Zoning Regulations of the District of Columbia, as amended, and the Zoning Act (Act of June 20, 1938 Stat. 797) as amended,
6. Approval of the application would be not inconsistent with the Foreign Missions and International Agencies element of the Comprehensive Plan.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby orders APPROVAL of the final application for a Planned Unit Development and related change of zoning from R-5-C to C-3-B for lots 16, 807-811,813,814,816, and

817 in Square 121 bounded by 19th, 20th, "G", and "F" Streets, N.W., subject to the following guidelines, conditions, and standards:

1. The Ray House, located at 1925 "F" Street, shall be retained and preserved on its present site along with its gardens to the rear and side. Such building shall be used as a residence, private club, for some university related purpose by George Washington University or for some function of the World Bank. The preservation of the building shall be insured by covenant.
2. The Lenthall Houses, formerly located at 612 and 614 19th Street, shall be preserved on a site on the west side of 21st Street, between "F" and "G" Streets, N.W. The houses shall be used as residences or for some university related purpose by George Washington University. The preservation of these buildings shall be insured by covenant.
3. The new building on the site shall be restricted to use by the World Bank as office space and supporting accessory uses, including but not limited to library, cafeteria, or computer space. The building may also be used for a university-related purpose by George Washington University for some other international agency, or for a chancery or other office of a foreign government. The street floor of the building, along the G Street frontage, as shown on the plans submitted by the applicant, and along the F Street frontage for a minimum depth of thirty feet from the edge of the building at the street floor, shall be used for retail and service uses permitted in a C-2 District.
4. The overall floor area ratio for the site shall not exceed 6.0.
5. The maximum height of any new building shall not exceed 130 feet to a depth of approximately 120 feet from the 19th Street right-of-way. For that portion of the site which lies further than approximately 120 feet from the 19th Street right-of-way, the maximum height of the building shall not exceed 60 feet. Roof structures shall not exceed 18 feet, 6 inches in height above the level of the roof upon which they are located.
6. Any new building to be constructed on the site shall not extend west of the line which separates the property of the Concordia United Church of Christ and George Washington University, as that line is extended south to intersect the "F" Street right-of-way.
7. There shall be a maximum of 200 off-street automobile parking spaces provided. All such parking spaces shall be allocated on a priority basis to car pools in accordance with the program submitted by the applicant marked as applicant's Exhibit C-3 of Exhibit 1 of the record.

8. Off-street loading berths shall be provided at the minimum rate specified for a C-3-B District and as shown in Exhibit No. 38.
9. A convenient and secure parking area for a minimum of twenty-five bicycles shall be provided on the street level floor or first cellar level of any new building.
10. The applicant shall submit a copy of the detailed landscape plan along with the application for further processing of the PUD. All areas not devoted to buildings, structures, access drives and above ground parking shall be appropriately landscaped so as not to change the character of the area. The applicant shall also follow the landscape plans for the lower roof of the building, as shown on Exhibit 59 of the record, provided that the applicant shall provide for plant screening of both mechanical equipment penthouses on the lower roof.
11. The final design of the complex shall be based on the plans presented to the Zoning Commission with the final application, marked as Exhibit No. 38 of the record, to include the drawings marked as scheme A for the 3rd and 4th floors.
12. No site grading or other change in the existing character of the property, including removal of existing trees or vegetation, shall take place prior to approval of the detailed site plan by the Board of Zoning Adjustment.
13. Approval of the application by the Zoning Commission and/or the Board of Zoning Adjustment shall not relieve the applicant of the responsibility of conforming to all other applicable codes and ordinances of the District of Columbia.
14. The change of zoning shall not be effective until the recordation of the covenant required by Sub-section 7501.2 and completion of the planned unit development process.
15. The applicant may process the project through the Board of Zoning Adjustment in one or more stages. The Board shall specify appropriate time limits on the staging of development, if the process is to involve more than one stage. The PUD covenant applicable to the entire property and the covenant ensuring preservation of the Lenthall Houses shall be recorded prior to the issuance of permits for the first stage.

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Vote of the Commission taken at its public meeting of March 8, 1979: 4-0 (Walter B. Lewis, John G. Parsons, Theodore F. Mariani, and Ruby B. McZier, to approve - George M. White, not voting not having participated in the case).


RUBY B. MCZIER
Chair
Zoning Commission


STEVEN E. SHER
Executive Director
Zoning Secretariat

This Order was adopted by the Zoning Commission at its public meeting held on April 12, 1979 by a vote of 3-0 (Walter B. Lewis, Theodore F. Mariani, and Ruby B. McZier, to ADOPT - George M. White, present not voting and John G. Parsons, not present not voting).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission, this Order is effective on _____.

*NOTE: This order was amended by Zoning Commission Order No. 280, dated May 17, 1979.