

Government of the District of Columbia  
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 311  
CASE NO. 79-18/78-15F  
APRIL 10, 1980

Pursuant to notice, a public hearing was held on February 21, 1980 to consider the final application for a Planned Unit Development and related zone change filed by the Riggs National Bank and Joseph and Raphael A. Urciolo.

FINDINGS OF FACT

1. This is an application for final approval under Article 75 of the Zoning Regulations for a Planned Unit Development, which involves a change of zoning from SP-2 to C-3-B for Lots 17-19, 26-28, 34, 35 and 806-818 in Square 531. The site is bounded by 3rd, E, 4th, and F Streets, N.W., contains 47,906 square feet and is zoned SP-2.
2. At the present time approximately one-half of this site, 26,148 square feet, is devoted to commercial surface parking. More than 150 vehicles can be accommodated on this lot and numerous staff field surveys revealed that the lot is consistently filled during normal working hours.
3. There are no structures remaining along the 4th Street frontage of the subject site. The First Trinity Lutheran Church occupies the southwest corner of the square. The Church's present structure was erected in 1959. Along E Street, to the rear of the Church is a row structure which is used by the church and a four story apartment building at the corner of 3rd Street. Adjacent to this building along 3rd Street is another four story apartment building. Both buildings are occupied but are not included within the boundaries of the PUD.
4. Along 3rd Street are 5 row structures and one 3 story apartment building. All of these structures as well as those fronting on F Street are included in the PUD and are slated to be razed. All of the structures are vacant. There are two vacant four story apartment buildings which front on F Street.

5. Immediately south of the site, in Square 532, there is an entrance to the Judiciary Square Metro station. The second Judiciary Square Metro entrance is located in the Square immediately west of Square 531.
6. At the present time approximately three-fourths of Square 532, bounded by 3rd, 4th, D and E Streets, N.W. is devoted to surface parking. This square has been proposed as a site for a new municipal office building. Over one-half of the square immediately north of the PUD site, Square 530, is devoted to surface parking while the remainder is built up with a variety of low scale structures. Approximately one-half of these structures are vacant while the remainder are used for residential and commercial purposes.
7. East of the PUD site, across 3rd Street, is the North Central Freeway. At the present time much of the Freeway at this location is used as an impoundment lot by the D.C. Department of Transportation. Plans call for the connection of this portion of the Freeway to New York Avenue. Further east is the high density C-3-B commercial District which is the location of a number of office buildings, Government facilities and hotels. Judiciary Square itself is a Category I Landmark and has a number of District and Federal Court facilities within its boundaries. Both the Pension Building, north of F Street, and the old City Hall are Category I Landmarks as well. South of Judiciary Square are the Municipal Center, D.C. Courthouse and the Canadian Chancery which is currently under construction. West of Judiciary Square is the eastern boundary of Downtown which is zoned C-4.
8. Applications for preliminary approval of a Planned Unit Development and rezoning of the subject property from SP-2 to C-3-B, were filed on June 12, 1978. On April 12, 1979, the Commission approved the first stage Planned Unit Development application in Order No. 270, subject to the guidelines and conditions contained in that Order.
9. Applications for final approval of the Planned Unit Development and for rezoning of the subject property from SP-2 to C-3-B were filed on November 1, 1979. The applicants requested that their second-stage Planned Unit Development applications be processed in accordance with Article 75 of the Zoning Regulations, as amended on February 8, 1979. While the applications for preliminary approval of this Planned Unit Development were filed prior to the amendment of Article 75, Paragraph 7501.92 of the amended Regulations provides that where a preliminary application was filed prior to the amendments, the second stage application may be processed in accordance with Article 75 as

amended, at the option of the applicant and with the approval of the Commission. The effect of processing these applications under the revised Regulations is to allow the applicants to file directly for building permits after final approval by the Zoning Commission, without requiring review by the Board of Zoning Adjustment as was previously the normal requirement. The plans and other information submitted in support of these applications are sufficiently detailed to enable review by the Zoning Administrator, without the need for review by the BZA.

10. The applicants propose to construct an eleven story, general use office building which will also include some retail uses. There will be two floors below grade which will contain a maximum of 185 automobile parking spaces. The building will contain 335,304 square feet of gross floor area, resulting in a floor area ratio of approximately 7.0, and will be 120 feet in height, not including roof structures. Along 4th Street, N.W., the building will be set back thirty-eight feet, creating a plaza area which will be paved in brick. The parapet of the facade facing 4th Street, N.W. will be eighty-seven feet, nine inches in height, and no part of the building will extend above a line drawn at a forty-five degree angle from a point ninety feet in height at the front of the building as it faces 4th Street, N.W. The materials as proposed will be either limestone or buff tone precast concrete, with poured in place concrete sandblasted structural columns, and gray tinted glass with colored aluminum trim. Where used, opaque glass was proposed to be gray colored.
11. The proposed extension of the C-3-B District is necessary to implement the Judiciary Square master plan. The existing SP-2 zoning permits, under the Planned Unit Development guidelines, a floor area ratio of only 4.5 for a general office use building and a height of 90 feet. A building developed under those guidelines would not match the municipal office building approved for Square 532 or the general use office building approved for Square 489. The C-3-B District permits, under the Planned Unit Development guidelines, a floor area ratio of 7.0 and a height of 130 feet which, however, is reduced to 120 feet on Square 531 by the 1910 Height Act. Thus, the C-3-B district permits development of a building which will match those in Squares 532 and 489 and, since the applications for extension of the C-3-B Districts are filed in conjunction with Planned Unit Development applications, the Planned Unit Development controls can be utilized to control development under the C-3-B zoning to insure conformity with the Judiciary Square Master Plan.

12. In granting preliminary approval to the Planned Unit Development application, the Zoning Commission established guidelines, conditions, and standards to be applicable to the final application. In evaluating the proposed building in relation to those guidelines, conditions and standards, the Commission finds as follows:

- A. Applications for a map amendment from SP-2 to C-3-B were filed with the applications for final approval of the Planned Unit Development on November 1, 1979.
- B. The proposed floor area ratio is 6.9992.
- C.
  1. The height of the front facade of the building as it faces Judiciary Square will be 87 feet, 9 inches, measured from the top of the curb at the middle of the front of the building on 4th Street, N.W.
  2. The front of the building as it faces Judiciary Square will be set back thirty-eight feet from the property line.
  3. Above the ninety foot height the building will not project above a forty-five degree line drawn from a point ninety feet in height at the front of the building as it faces 4th Street, N.W. The parapet itself will be eighty-seven feet, nine inches in height, in order to create spandrels of equal width.
  4. The maximum height of the building will be 120 feet, not including the roof structure, measured from the top of the curb at the middle of the front of the building on 4th Street, N.W.
  5. The roof structure will stand eighteen feet, six inches above the roof.
  6. The roof structure will be set back twenty-four feet, four inches from the east, west, and north roof edges and twenty-four feet, one-and-one-half inches from the south roof edge.
- D.
  1. The use of the building will be restricted to office and supporting accessory uses, and retail space and supporting accessory uses.

2. No retail uses will be visible from the exterior of the building as it faces 4th Street, N.W.
  3. There will be no signs on the 4th Street, N. W. facade of the building advertising the presence of retail uses.
  4. On the 4th Street side of the building, there will be no direct access to any retail uses from the exterior of the building.
- E.
1. On the first floor frontage of the building on 4th Street, N. W., there will be no display of goods or services associated with any retail uses.
  2. There will be a maximum of fifty square feet of non-opaque glass area in each bay of the building fronting on 4th Street, N. W., for any part of the first floor frontage on 4th Street, N.W. which is devoted to retail, rather than office use. The opaque glass was proposed to be gray colored. Condition No. 14 of Order No. 270 requires that the material of the building be in accordance with the requirements of the Judiciary Square Master Plan. That plan calls for bronze tinted glass.
  3. The applicant proposed that the non-opaque glass be gray tinted with colored aluminum trim. As stated above, The Judiciary Square Master Plan **requires bronze tinted glass.**
- F.
1. There will be a maximum of fifty square feet of non-opaque glass area in each bay of the building on the first floor frontage on F Street, N. W. for any part of the first floor frontage on F Street, N. W., which is devoted to retail, rather than office use. The opaque glass was proposed to be gray colored. Any non-opaque glass was proposed to be gray tinted with colored aluminum trim. As stated above, the Judiciary Square Master Plan **requires bronze tinted glass.**
  2. There will be no arcade on F Street, N. W. On the F Street side of the building, there will be no direct access to any retail uses in the bay closest to 4th Street, N. W.
  3. Any signs on the F Street side of the building advertising the presence of retail uses will be back lighted, designed and located in accordance with Drawing No. 9B, dated February 29, 1980, and marked as Exhibit No. 41.

- G. The final plans show two levels below grade to accommodate a maximum of 185 off-street automobile parking spaces. The architect testified that the applicants would like the flexibility to convert a portion of this space to uses permitted in the building other than parking, should it develop that 185 parking spaces are not needed.
  - H. Three loading berths will be provided.
  - I. The driveways to the garage and loading berths will be located on 3rd Street, N. W.
  - J. The rear entrance to the building will be located on 3rd Street, N. W., and will provide access to the retail levels of the building via the common lobby, corridor and elevator system.
  - K. A convenient and secure parking area for a minimum of twenty-five bicycles will be provided.
  - L. The building will be set back thirty-eight feet from the 4th Street property line. The setback area will be used to create a plaza.
  - M. The applicant will install controlled release roof drains to regulate the flow of stormwater.
  - N. The materials of the building as proposed will be either limestone or buff tone, precast concrete, poured in place concrete sandblasted structural columns and gray colored tinted or opaque glass with colored aluminum trim. This is not consistent with the Judiciary Square Master Plan, which calls for bronze tinted glass and trim.
13. The applicant submitted revised Drawing Nos. 6B, 8B and 9B, dated February 29, 1980, and marked as Exhibit No. 41 in the record of the this case. Drawing No. 6B shows a cross-section of a planter box in the plaza area which illustrates the bench seating on the planters and Drawing No. 6B also shows the location and detailed studies for the other bench seating on the site. Drawing No. 8B shows how the 9th floor roof terrace facing Judiciary Square will be adapted for use by the office tenants of the building. There will be no retail use of the 9th floor roof terrace. Drawing No. 9B shows the location, design, materials and backlighting for the retail signs on the F Street side of the building.

14. Preliminary approval of the final design of the building was granted by the Commission of Fine Arts on December 21, 1979.
  15. David Talbott, Land Planner for the applicant, testified that no private office development had taken place in the SP District east of 15th Street since 1958 except for an area adjacent to the U. S. Capital. Mr. Talbott also testified that the site was appropriate for the PUD because of its access to mass transit, its location adjacent to the Central Business District, and the adjacent C-3-B District to the east. Mr. Talbott testified that the project is compatible with the Judiciary Square Master Plan, the Downtown Urban Renewal Plan, the NCPC General Land Use Plan and the PADC Plan. Mr. Talbott stated that the project would have no adverse impact on water, air and noise quality, nor on solid waste disposal, fire protection or the public school system. The Commission so finds.
  16. John Samperton, Architect for the applicant first testified regarding the revisions made to the plans for the project. These included the following:
    1. Drwg 1A: Roof structure lowered to 18'6"
    2. Drwg 3A: Erosion control measured added
    3. Drwg 4A: NCPC and OPD landscape suggestions incorporated and driveway shifted.
    4. Drwg 5A: Addition of FAR computation
    5. Drwg 6A: Landscaping modifications
    6. Drwg 7A: Addition of roof plan
    7. Drwg 8A: Controlled release roof drains
    8. Drwg 9A: Roof structure lowered to 18' - 6"
- Mr. Samperton also stated that the proposed building was in conformance with the conditions of Order No. 270 and meet the requirements of Article 75 of the Zoning Regulations. Mr. Samperton testified that the proposed building had a FAR of 6.99, a height of 120 with a setback above the ninety foot level along 4th Street, and that the finish materials were to consist of limestone or lightly sandblasted precast concrete and gray tinted glazing. The Commission finds the proposed building to be in compliance, except as to the gray tinted glazing and trim.
17. Norman M. Glasgow, attorney for the applicant read a letter from Joseph Urciolo stating that all former tenants except one, had been relocated and were given at least one month's forgiveness in rent. Mr. Glasgow stated that the last occupant of 526 3rd Street had moved as of the hearing date. The Commission so finds.

18. The Office of Planning and Development by report, dated February 11, 1980, and by testimony presented at the hearing stated that the proposal is sympathetic to the historic and cultural significance of the area, that the tenants have been assisted by the owner to relocate, and that the applicants' final submission conforms to the preliminary order and is in keeping with the intent and purpose of the Planned Unit Development Regulations. The Commission so finds.
19. The Department of Housing and Community Development, by memorandum dated February 6, 1980, offered no objection to the proposed development.
20. The Superintendent of Public Schools by memorandum dated January 23, 1980 determined that there would be no impact upon school facilities as a result of construction of this project. The Commission so finds.
21. By memorandum dated January 22, 1980, the Department of Environmental Services noted that the existing water distribution system serving the area is adequate to accommodate the proposed development and that the project would have no long term negative impact of air quality and noise levels in the surrounding area. The Department recommended that appropriate techniques for on-site storm water management be incorporated into the project. The Commission finds that such techniques are included in the design for the building.
22. By memorandum dated February 21, 1980 the Department of Transportation stated that the applicant is providing eleven more spaces than required according to the Department's own calculations. The Department of Transportation also suggested that one large loading berth of twelve feet by fifty-five feet and two small berths of twelve feet by twenty-five feet would accommodate the needs of this project. The Department also recommended that the Zoning Commission require the applicant to coordinate at an early date regarding the use of public space and that the Commission direct to applicant to exercise care and sensitivity in the design of driveways, openings for loading berths and parking, and treatment of adjacent sidewalks.
23. By memorandum dated January 23, 1980, the Fire Department stated that it had no objections concerning the requested PUD/Map amendment.
24. Advisory Neighborhood Commission 2C did not file a report in this case.

25. The staff of the National Capital Planning Commission appeared at the hearing and reported that the Planning Commission, when it had considered the preliminary application at its meeting of March 1, 1979, had determined that the height of the PUD as proposed "would adversely affect Judiciary Square, an important historical feature and Category I Landmark of the National Capital and therefore have a negative impact on the interests of the Federal Establishment in the National Capital".
26. In its preliminary approval of the application, the Zoning Commission found that it is not inappropriate to allow a height greater than ninety feet if such height were set back from the front facade of the building. The Commission finds that such a proposal would establish a ninety foot cornice line framing the square. Such a proposal would also result in a balance of symmetry for the Square by reflecting the action of the Zoning Commission in another PUD case for property located on the west side of the Square and of the Planning Commission in approving the height of the D.C. Municipal Office Building to the south. The Commission finds that there is no reason not to allow a 120 foot height set back from the Square, as there is no existing building which must be respected to the east, since the area to the east is a wide open area occupied by the freeway.
27. The proposed action was referred to the National Capital Planning Commission under the terms of the District of Columbia Government and Governmental Reorganization Act and the National Capital Planning Commission reported that the proposed PUD will not adversely affect Judiciary Square, an important historical feature and Category I landmark of the National Capitol and will not have a negative impact on the functions of the Federal Establishment or other Federal interests in the National Capital Region.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development at the subject site.
2. Approval of this final PUD 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. The Commission, in its decision, has accorded to the ANC the "great weight" to which it is entitled.
4. 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.
5. 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 Commission hereby Orders approval of the Final Planned Unit Development and change of zone from SP-2 to C-3-B for Lots 17-19, 26-28, 34, 35, and 806-818 in Square 531, bounded by 3rd, E, 4th and F Streets, N.W., containing 47,906 square feet, subject to the following guidelines, conditions, and standards:

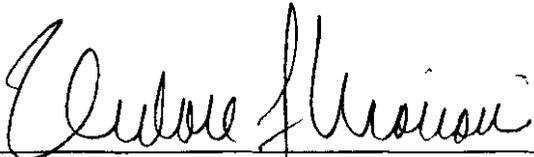
1. The planned unit development shall be developed in accordance with plans submitted to the Zoning Commission prepared by John Samperton, dated revised February 15, 1980, marked as Exhibit No. 34 of the record and those plans dated Revised February 29, 1980, marked as Exhibit No. 41 of the record except as such plans may be modified to conform to the conditions of this order.
2. The overall FAR for the project shall not exceed 7.0.
3. The height of the building shall not exceed 90 feet at the facade of the building facing Judiciary Square which facade shall be setback 38 feet from the 4th Street property line. Above the 90 foot height, the building shall not project above a line drawn at a forty-five degree angle from the parapet of the front facade of the building, provided that the maximum height shall not exceed 120 feet. Roof structures may exceed the 120 foot height limit, but shall not exceed 18' - 6" in height above the roof upon which they are located and further shall be setback from all edges of the roof upon which they are located a distance of one foot for each foot of height above the level of the roof upon which they are located.

4. The use of the building shall be limited to office and accessory uses provided, however, that the ground floor may be used for retail and service uses permitted in the C-3-B District.
5. Regarding first floor retail and service uses, no such uses shall be visible from the exterior of the building on 4th Street, N.W., no sign shall face onto the 4th Street frontage advertising the presence of retail uses and no direct access from the exterior of the building on 4th Street shall be permitted. Access to the retail and service uses is permitted from the main lobby of the building.
6. In regard to the first floor frontage on 4th Street:
  - a. There shall be no display of goods or services associated with the retail and service uses.
  - b. There shall be a maximum of 50 square feet of non-opaque glass in each bay of the building, except for areas which face directly on lobbies of the building.
  - c. Any non-opaque glass shall be bronze tinted to minimize passage of light through such glass.
  - d. All other glass areas of the 4th Street frontage which enclose retail or service space shall be opaque and bronze colored.
7. In regard to the first floor retail frontage on F Street:
  - a. Conditions b, c and d of Item No. 6 shall apply to the facade of the two bays closest to 4th Street.
  - b. Access to the retail and service uses is permitted except that such access shall not be permitted in the two bays closest to 4th Street.
  - c. Signs will be permitted along F Street provided that such signs are located under the second floor projection flat against the first floor facade as depicted in Drawing No. 9-B of Exhibit 41. Such signs shall be back lit and match the finish of the building. No such signs shall be permitted in the bay closest to 4th Street.

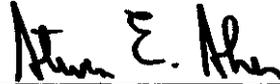
8. The design and landscaping of exterior spaces, paving materials, provision of seating, planters, trees, shrubbery and other details shall be provided as depicted in Drawing Nos. 4A of Exhibit No. 34 and Drawing No. 6B of Exhibit No. 41, except that there shall be a sidewalk provided in public space which is a minimum of twelve feet wide measured between the edge of the tree grates and the new planter boxes to be provided. All improvements provided by the applicant which are located in public space shall be maintained by the applicant, and the final design of the improvements in public space shall be subject to the review and approval of the public space committee.
9. Storm water management facilities and erosion control measures shall be provided as shown on Drawings No. 3-A and 8-A of Exhibit 34.
10. Off-street automobile parking shall be provided at a maximum of 185 spaces and at a minimum of 90 spaces.
11. Off-street loading facilities shall be provided as shown in Drawing No. 6-B of Exhibit No. 41.
12. A convenient and secure parking area for a minimum of 25 bicycles shall be provided on the first floor of the building.
13. Vehicular access to parking and loading areas shall be by way of 3rd Street, N. W.
14. The exterior finish materials of the building shall consist of poured in place or precast concrete or limestone of color and texture to match the limestone of the existing Old City Hall in accordance with the Judiciary Square Master Plan. Exterior trim and glass shall be bronze tinted in accordance with the Judiciary Square Master Plan.
15. The roof terrace on the ninth floor level, as shown on Sheet 8B of Exhibit No. 41, shall be extended toward the north end of the building in the same manner as it is extended to the south end of the building, subject to any limitations imposed by the requirements of other D.C. Codes and ordinances, including means of egress regulations.

16. The change in zoning requested by the applicant from SP-2 to C-3-B shall be effective upon recording of a covenant as required by Sub-section 7501.8 of the Zoning Regulations.
17. No building permit shall be issued for this Planned Unit Development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the office of the Corporation Counsel and the Zoning Regulations Division, which covenant shall bind the applicant and all successors in title to construct on and use this property in accordance with this Order or amendments thereof by the Zoning Commission.

Vote of the Commission taken at the public meeting of March 13, 1980: 3-0 (Commissioners Walter B. Lewis, Ruby B. McZier, and Theodore F. Mariani to APPROVE with CONDITIONS, Commissioners John G. Parsons and George M. White not voting, not having heard the case.)



THEODORE F. MARIANI  
Chairman  
Zoning Commission



STEVEN E. SHER  
Executive Director  
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on April 10, 1980 by a vote of 4-0

(Ruby B. McZier, George M. White, and Theodore F. Mariani to adopt, Walter B. Lewis to adopt by absentee ballot, John G. Parsons, not present, not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, the Order is final and effective on 16 APR 1980 and the amendment to the Zoning Map is effective on 25 AUG 1981.