

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO, 495  
Case No. 86-4C  
July 14, 1986  
National Academy of Sciences  
PUD & Map

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on June 16, 1986. At that hearing the Zoning Commission considered an application from the American Security Bank, N.A., Trustee on behalf of the National Academy of Sciences and 2001 Wisconsin Avenue Associates, for consolidated review and approval of a Planned Unit Development (PUD) and a related map amendment, pursuant to Sections 7501 and 9101 of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

### FINDINGS OF FACT

1. The application, which was filed on February 19, 1986, requested consolidated review and approval of a PUD for lot 1024 (formerly lots 1007, 1013 and 1017) in Square 1299 and related change of zoning from R-1-B to C-2-A for a portion of lot 1024, namely former lots 1013 and 1017.
2. The applicants, the National Academy of Sciences and 2001 Wisconsin Avenue Associates, propose to renovate existing office buildings, known as Page One and Page Two, and construct an underground parking facility.
3. On March 10, 1986 at its regular monthly meeting, the Zoning Commission authorized the scheduling of a public hearing for the application.
4. The R-1-B District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of 50 feet, a maximum lot occupancy of forty percent, and a maximum height of three

stories/forty percent, and a maximum height of three stories/forty feet.

5. The C-2-A District permits matter-of-right low density development, including office, retail and all kinds of residential uses, to a maximum floor area ratio (FAR) of 2.5 with non-residential uses limited to 1.5 FAR, a maximum height of fifty feet, and a maximum bot occupancy of sixty percent for residential uses.
6. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to impose development conditions, guidelines, and standards which may exceed or be lesser than the matter-of-right standard identified above. The Commission may also approve uses that are permitted as a special exception by the RZA.
7. The PUD site is located in the southeast quadrant of the intersection of Wisconsin Avenue and Whitehaven Street, N.W., known as 2001 Wisconsin Avenue and 3300 Whitehaven Street, N.W. The PUD site consists of 137,088 square feet of land, which is located between Wisconsin Avenue, N.W. to the west and Dumbarton Oaks Park to the east, and is bounded by Whitehaven Street, N.W. on the north and the Safeway and Dart Drug properties on the south.
8. The proposed project is located in the Old Georgetown Historic District. The applicant has received preliminary approval of the project and final approval for renovations of the Page One and Page Two buildings by the Commission of Fine Arts, as the proposal does not endanger any historic structures.
9. The existing buildings on the site have a combined FAR of 1.58 and a combined lot occupancy of 37.61 percent. The height of the Page One building is 55.11 feet and the Page Two building 58.08 feet, plus penthouses of 13.00 and 13.83 feet, respectively, and contain approximately 216,944 square feet of gross floor area. A portion of the site currently provides approximately 177 parking spaces on a 56,577 square foot surface parking lot.
10. The zoning pattern in the area of the PUD includes C-2-A to the north; D/R-1-B and the unzoned Dumbarton Oaks property to the east; C-1, C-2-A and R-1-B to the south; and C-2-A and R-3 to the west.
11. Located in the Wisconsin Avenue corridor, the site is primarily commercial with office uses. The site is located in Ward 3 and occupies the middle portion of Square 1299. The remainder of the square to the north

of the site is occupied by office buildings and a hotel, and the square also includes portions of the government property known as the United States Naval Observatory. In the area to the south of the site are various retail establishments, restaurants, service and residential uses and the Jelleff Boys Club. The area to the west of the site contains retail establishments, but is predominantly residential in character. Directly across Wisconsin Avenue from the site are the Gordon Junior High School and U.S. Reservation 357. To the east of the site is Square 2155, predominantly occupied by Dumbarton Oaks Park.

12. The Commission finds that the subject site appears to be in a low density commercial area, including such uses as retail, shopping and service areas, according to the District of Columbia Generalized Land Use Element of the Comprehensive Plan.
13. The applicant proposes to rehabilitate the existing Page Buildings for the use of the National Academy of Sciences. The use and rehabilitation of the existing buildings in a C-2-A District is permitted as a matter of right. The project will provide 419 parking spaces in a three-level underground parking garage in the area between the two buildings, permitting the elimination of the entire existing surface lot, and conversion of that area into a park-like campus setting, providing landscaping of the remaining open area of the site.
14. The applicant will add a second curb cut on Whitehaven Street, to the west of the existing curb cut, providing access for trucks using the loading area at the south of the site and also for vehicles picking up or discharging passengers. The Page Two building will include a slight enlargement of the roof structure, the relocation of the loading area, and the construction of a small canopy over the loading area.
15. The applicant, through a representative of the National Academy of Sciences, contends that the Academy presently occupies facilities at 23.01 Constitution Avenue and 2100 Pennsylvania Avenue, N.W. The Constitution Avenue facility will remain as the headquarters of the Academy\* The Pennsylvania Avenue offices will be relocated to the subject site, and will accommodate approximately 850 employees. The relocation of the facility will increase available parking from 253 existing spaces at the Pennsylvania Avenue location to the proposed 419 spaces, The representative further testified that the Academy will support arrangements to reduce single occupancy vehicles, such as vanpooling, carpooling and shuttle service.
16. The applicant contends, through the project architects,

that the development of the site will result in renovation and improvement of the existing conditions. The removal of the surface parking and its replacement with a landscaped park area will result in an aesthetically pleasing campus-like setting for the buildings on the site. Additionally, vegetation and greenery will screen the new loading area and the south wall of the underground parking garage from view from the Safeway parking lot to the south. In addition, the applicant will plant trees approximately 10 to 12 feet tall to screen the area in which the proposed trash compacting area will be located.

17. The applicant's zoning and planning expert contends that the project complies with all the applicable development standards of the C-2-A District for a planned unit development, the existing R-1-B zoning is inappropriate for the subject site and that the R-1-B portion of the site is appropriate for C-2-A zoning. Additionally contended was that the application, including the proposed rezoning, is not consistent with the Comprehensive Plan, the application meets the purpose and requirements of the PUD process, and that this process provides the most flexible and beneficial way to approach the development proposed for the site.
18. The applicant's expert traffic consultant testified that the proposal will have a minimal impact on the street system, is readily accessible by public transportation or car and will generate less traffic than the previous use of the building, which included a large restaurant. The expert also testified about the availability of bus service along Wisconsin Avenue. We testified that the applicant is providing more parking than presently exists on the site, thirty-four additional spaces, and that the applicant is providing 186 spaces more than presently required by the Zoning Regulations, specifically, the number that would be required if the buildings were built new today. The expert also contends that the loading facilities on-site are adequate to handle the volume of loading traffic required.
19. The applicant contends that the proposed development would provide benefits not otherwise guaranteed through a matter-of-right development, including:
  - a, Provision of a large, fully landscaped park-like area not assured under conventional zoning;
  - b. Elimination of all surface parking from the site, which use could remain under the Zoning Regulations;

- c. Increased tax revenues from real estate taxes through the use of the property;
  - d. Minimal impact on transportation and parking in the area due to the provision of 419 off-street parking spaces;
  - e. Superior design for a superior working environment, including major landscaped open areas at the site;
  - f. Greater flexibility in planning and design by the applicant, the Zoning Commission and affected citizen groups; and
  - g. Recordation of a covenant in the Land Records of the District of Columbia binding the applicant and all successors in title to construct on and use the property only in accordance with the approved plans.
20. The applicant indicated that the proposed project is consistent with the goals and policies of the District of Columbia Comprehensive Plan. The proposed project furthers the goals of the Plan by expansion and retention of existing businesses; promotion of the District's role as a location for headquarters for membership organizations; promotion of an attractive environment that provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, functions efficiently and respects the historic character of the district.
21. The applicant indicated continual community contact with the residents of the neighborhood and representatives or affected community groups in discussing proposed development plans. Specifically, meetings were held with ANC-2E on February 5, 1976 and March 7, 1986 and with ANC 3B on February 12, 1986 and March 12, 1986. As a result of these discussions, the plans for the project were revised to reflect the community's concerns and to produce a mutually desirable project.
22. The District of Columbia Office of Planning (OP), by memorandum dated June 6, 1986 and by testimony presented at the public hearing, recommend approval of the application with the following conditions:
- a. The development shall be in accordance with the plans on file in this case; and
  - b. Provide a scenic easement for the site as requested by the National Park Service.

23. The Department of Public Works (DPW), by memorandum dated June 3, 1986 recommended approval of the application with the stipulation that:
  - a. The project would benefit from the applicant's participation in a rideshare program, "D.C. Rides" and;
  - b. The developer must coordinate all construction, streetscape and design elements within public space with the DPW and assume their costs.
24. Advisory Neighborhood Commission (ANC)-3B, which is the directly affected ANC, by letter dated May 19, 1986, unanimously supported the application and gave particular interest to transportation and parking issues, specifically as a result of the frequent meetings and presentations to them by the applicant.
25. Advisory Neighborhood Commission (ANC)-2E, which is the adjacent ANC and indirectly affected, by letter dated March 7, 1986, supported the application on the condition that:
  - a. construction and landscaping conform to the plans of record:
  - b. the National Academy of Sciences perpetually maintain the landscaping; and
  - c. the area requested for rezoning be changed from R-1-R to C-1.
26. The Zoning Commission finds, however,, that the subject property is not located in ANC-2E. And, other than the Safeway site to the south of the proposed site, there is no C-1 zoning on the strip of Wisconsin Avenue, N.W.
27. The Commission finds that there were no parties or persons in opposition to the application,. either of record or at the public hearing.
28. The Commission is in accord with the reports of the Office of Planning and Department of Public Works regarding lack of adverse impact from the proposal.
29. The Commission finds that the major issue, on which this case turns, is whether the applicants have satisfied the criteria of Section 7501 of the Zoning Regulations for consideration as a PUD. With respect to that issue the Commission finds as follows:
  - a. The subject application does not propose to exceed the height permitted as a matter-of-right, or the height guidelines of Paragraph 7501.41.

- b. The subject application neither proposes to exceed the FAR permitted as a matter-of-right nor the FAR guidelines of Paragraph 7501.43.
  - c. The Commission finds that the subject PUD, if approved, would not circumvent the intent and purpose of the Zoning Regulations.
  - d. The Commission finds that a change of zoning to C-2-A for the remaining portion of the proposed site is consistent with the existing C-2-A zoning in the remainder of lot 1024.
  - e. The Commission finds that the map amendment to C-2-A zoning instead of C-1. establishes no greater development rights for the applicant or its successors.
30. With the exception of Condition No. 31 below, the Commission finds that the applicant has met the intent and purpose of the Zoning Regulations and the Planned Unit Development process,
  31. At the conclusion of the public hearing the Zoning Commission expressed concerns regarding the landscaping of the PUD site and the projection of mechanical equipment above the existing penthouses. The Chairperson left the record open to receive revised drawings related to those matters.
  32. The proposed action of the Zoning Commission to approve the application subject to conditions was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated June 26, 1986, indicated that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital,
  33. On July 14, 1986, at its regular monthly meeting, the Zoning Commission considered a letter dated July 1, 1986, from counsel for the applicant, requesting a waiver of the Zoning Commission Rules of Practice and Procedure. The request was to allow for the consideration of a letter dated June 26, 1986 from counsel for the applicant, which requested the revision and deletion of certain proposed conditions of approval for the application.
  34. At that same meeting, the Zoning Commission also considered a letter dated July 11, 1986, from counsel for the applicant, requesting permission to address the

Commission at the public meeting for not more than ten minutes.

35. The Commission finds that its consideration of the aforementioned letters and its actions are in the best interest of the District of Columbia.

#### CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, because control of the use and site plan is essential to ensure compatibility with the neighborhood,,
2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned residential, institutional, commercial and mixed use developments which will offer a variety of building types with more attractive and efficient overall planning, and design not achievable under matter-of-right development.
3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. The Commission has accorded to the Advisory Neighborhood Commission 3B the "great weight" to which it is entitled.
5. Approval of this application is not inconsistent with the Comprehensive Plan of the District of Columbia.
6. The approval of this PUD application is consistent with the purposes of the Zoning Act.
7. The proposed application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.
- a. The approval of this application will 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.

#### DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of

hereby orders APPROVAL of this application for consolidated review of a Planned Unit Development for lot 1024 in Square 1299, and change of zoning from R-1-R to C-2-A for a portion of lot 1024 (former lots 1013 and 1017) located at the southeast quadrant of the intersection of Wisconsin Avenue and Whitehaven Street, N.W. The approval of this PUD and change of zoning are subject to the following guidelines, conditions, and standards:

1. The planned unit development shall be developed in accordance with the plans prepared by the architectural firm of Mills, Clagett and Wening, marked as Exhibits No. 30, 44B, and 44D of the record, as modified by the guidelines, conditions, and standards of this order.
2. The planned unit development shall consist of the two existing buildings, devoted to office and supporting accessory uses, including an underground parking garage and surrounding open space.
3. The National Academy of Sciences shall be the primary user of the property for the first five years of initial occupancy under the PUD.
4. The floor area ratio for the buildings, excluding roof structures, shall not exceed 1.59.
5. The height of the building at 2001 Wisconsin Avenue shall not exceed fifty-six feet, measured from the Wisconsin Avenue front. The height of the building at 3300 Whitehaven Street shall not exceed fifty-nine feet, measured from the Whitehaven Street front.
6. The roof structure on the building at 2001 Wisconsin Avenue shall not exceed 13 feet in height above the level of the roof on which it is located. The roof structure on the building at 3300 Whitehaven Street shall not exceed 13.83 feet in height above the level of the roof on which it is located. Nothing shall project above the walls of the roof structures, except exhaust, plumbing, and other vents, and a cooling tower on the building at 2001 Wisconsin Avenue. Such vents and cooling tower may exceed the roof structure height as shown on plans marked as Exhibit No. 44D of the record. The floor area ratio of the roof structures shall not exceed 0.37.
7. Antennas may be located on the building roofs, either pursuant to the regulations in effect at the time that the antennas are to be installed, or else inside the walls of the existing roof structures.
8. No new building may be constructed on the site.

9. The percentage of lot occupancy shall not exceed forty percent.
10. There shall be 419 on-site parking spaces provided. The location and size of those spaces shall be as shown on the plans marked as Exhibit No. 30 in this case. All spaces reserved for compact cars or for cars of handicapped persons shall be clearly marked and reserved for those vehicles.
11. Three loading berths shall be provided, as shown on Sheet 3 of Exhibit No. 30 in this case. Each loading berth shall be 12 feet wide by 30 feet deep.
12. One service/delivery loading space shall be provided, as shown on Sheet 3 of Exhibit No. 30 in this case. The service /delivery loading space space shall be 10 feet wide by 20 feet deep.
13. Access to parking and loading facilities shall be as shown on Sheet 3 of Exhibit No. 30 in this case,
14. The cafeteria located on the premises shall not be open to the public.
15. The PUD site shall be landscaped as shown on revised plans, marked as Exhibit No. 44B of the record.
16. The level of illumination of the outdoor lighting shall not affect other properties,
17. To the extent that security and operating conditions will allow, the plaza and park area will be open to the public during daylight hours during normal hours of operation.
18. The applicants shall discuss with representatives of the National Park Service whether a scenic easement should be recorded on the landscape park area over the southeast corner, and the applicants shall record such easement as approved by the National Park Service.
19. The applicants shall participate in a rideshare program in conjunction with other such programs and coordinate with the D.C. Rideshare Coordinator, in order to minimize the on-site parking demand and to encourage ridesharing among the employees of the project.
20. The applicants shall arrange for the operation of a shuttle bus system to connect the PUD site with other principal office locations of the National Academy of Sciences, The size of the shuttle buses shall permit the buses to enter the underground parking garage on the site.

21. The change of zoning from R-1-B to C-2-A shall be effective upon recordation of a covenant as required by Subsection 7501.8 of the Zoning Regulations.
22. No building permit shall be issued for this planned unit development until the applicants have 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 applicants and successors in title to construct on and use this property in accordance with the Order, or amendments thereof, of the Zoning Commission.
23. When the covenant is recorded, the applicant shall file a certified copy of that covenant with the records of the Zoning Commission.
24. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, application must be filed for building permit, as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.

Vote of the Commission taken at the public hearing of June 16, 1986: 4-0 (Lindsley Williams, John G. Parsons, George M. White, and Patricia N. Mathews, to approve with conditions - Maybelle T. Bennett, not present not voting).

The order was adopted by the Zoning Commission at its public meeting held on July 14, 1986, by a vote of 3-0 (John G. Parsons, George M. White, and Patricia N. Mathews, to adopt as amended - Maybelle T. Bennett, not voting not having participated in the case and Lindsley Williams, 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, this order is final and effective upon publication in the D.C. Register, specifically on 01 AUG 1986.

  
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PATRICIA N. MATHEWS  
Chairperson  
Zoning Commission

  
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EDWARD L. CURRY  
Acting Executive Director  
Zoning Secretariat