

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 720
Case No. 91-18P
(Prelim. PUD & Map Amendment @ 19th & E Sts., N.W.)
July 13, 1992

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on March 30, 1992. At the hearing, the Zoning Commission considered an application from the Associated General Contractors of America (AGC). The application requested review and approval of a planned unit development (PUD) and related map amendment, pursuant to chapter 24 and section 102, respectively, of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on October 29, 1991, requested a first-stage (preliminary) approval of a planned unit development (PUD) and a related change of zoning from SP-2 to C-4 for Square 122, Lot 835. The Commission subsequently authorized the consideration of C-3-C rezoning, in lieu of C-4.
2. The applicant, AGC, proposed to construct an office building which would house its headquarters and have sufficient rental space to enable AGC to remain in the District of Columbia. AGC also proposed to develop a 55-unit apartment component as part of the project.
3. The PUD site is zoned SP-2 and is located at 1957 E Street, N.W. on the north side of E Street between 19th and 20th Streets. The PUD site is 30,159 square feet in area, and rectangular in shape with approximately 311 feet of linear frontage on E Street, and approximately 97 feet of linear frontage on both 19th and 20th Streets.
4. The western portion or approximately one-third of the PUD site is presently occupied by the four-story AGC Headquarters Building. The remainder of the site is used as a surface parking lot.
5. AGC has been headquartered at this location for thirty-five years, and because of space limitations, must locate in a larger, more modern facility which can accommodate its present and future needs.

6. The PUD site is contiguous to Mitchell Hall (a nine-story George Washington University dormitory) to the northeast, and a five-story public parking garage (owned by the All-state Hotel Properties) to the northwest in Square 122.
7. The area surrounding the subject site contains a wide variety of land uses. Major office development is located to the south, east and west. Immediately east, across 19th Street, is the General Services Administration (GSA) office building (107 feet in height) which occupies the entire city block. The American Red Cross local headquarters building is situated west of the site across 20th Street (approximately 66 feet in height). To the south across E Street and a three-block long Federal park are the U.S. Civil Service Commission and the U.S. Department of the Interior office buildings.
8. The George Washington University campus and a medium/high density residential community are to the north, and a low/moderate density residential community (Foggy Bottom) is to the northwest.
9. The SP-2 District permits matter-of-right medium/high density development including all kinds of residential uses, with limited offices for nonprofit organizations, trade associations and professionals permitted as a special exception requiring approval of the BZA, to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.0 for residential and 3.5 for other permitted uses, and a maximum lot occupancy of eighty percent for residential uses.
10. The C-3-C District permits matter-of-right major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum FAR of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one-hundred percent.
11. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a first stage PUD. The Commission may also impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified above for height, FAR, lot occupancy, parking, and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as a special exception and would otherwise require approval by the Board of Zoning Adjustment (BZA).

12. The District of Columbia Generalized Land Use Element of the Comprehensive Plan for the National Capital includes the PUD site in the high-density commercial land use category.
13. The applicant proposes to construct the project in two phases on land which it owns in fee simple. The proposed mixed-use development includes approximately 174,600 square feet of commercial office space (5.79 FAR) and approximately 65,500 gross square feet of residential space (2.17 FAR). The proposed building cornice line is 94 feet, measured from E Street, with a 16-foot setback along the three street frontages then rising to 107 feet in height. The total density for the project is 7.96 FAR. The building will occupy ninety-five percent of the lot and there will be 200 parking spaces in a three-level parking garage below grade.
14. Loading and parking access to the office portion of the development will be from 19th Street, and from 20th Street for the residential component.
15. The applicant, by its representative at the public hearing, indicated that AGC was founded in 1918 and has been continuously located in the District of Columbia with 33,000 members in 100 chapters throughout the United States. He indicated that AGC currently employs 95 employees in the District of Columbia and that the existing four-story building has become antiquated for AGC's mission. He further testified that AGC has limited capital, but needs more and better space and has a strong preference for remaining in the District of Columbia. He indicated that economic constraints motivate AGC to develop this site in a way that allows it to occupy the project at a manageable cost, assuming minimal risk, but yet allow AGC to balance its needs with its corporate obligation to fulfill legitimate public goals, such as the provision of housing.
16. The applicant further testified that approval of the subject application would allow the retention of a major national association, providing approximately 323 new permanent jobs in the District of Columbia and the creation of approximately 437 construction jobs over a two-year period. The project will result in an increase in tax revenues to the District of Columbia of approximately \$2,054,000 annually.

17. The applicant indicated that the proposed PUD results in the efficient and economical utilization of the site, provides attractive urban design and new residential housing units, and adequately assures the protection of the public health, safety, welfare, and convenience. The project is consistent with the existing physical character and land use patterns in the area, will not adversely impact the various District services, and will result in a positive financial impact to the District of Columbia.
18. The applicant's architect and urban planner indicated that the building's cornice line will be at 94 feet to match the cornice line on the adjacent GSA building's facades. The building will have a maximum height of 107 feet matching the 107-foot height of the GSA building. The architect/urban planner further indicated that the proposed project was in complete conformance with the high-density, commercial land use designation of the site on the Comprehensive Plan Generalized Land Use Map. The proposal fosters the urban design elements of the Comprehensive Plan and respects the guidelines delineated by the L'Enfant and McMillan Plans for the city. He testified that the proposed uses are consistent with the surrounding land uses and the goals and objectives of the Comprehensive Plan, and that the project will not have any adverse land use impact on the surrounding area.
19. The architect/urban planner testified that the height of the project has been carefully examined so as to minimize any potential impact on the surrounding properties, and that the broad open space to the south side of the project almost requires a building 107 feet in height from an urban design point of view.
20. He indicated that the proportions of the site allow the residential component to be placed side-by-side to the commercial (as opposed to an over-under scheme), and that this arrangement represents a much more traditional planning and marketing approach. He further indicated that the residential portion of the project is located on the western portion of the site to act as an entry to the Foggy Bottom community to the northwest.
21. The architect/urban planner also indicated that the views from the residential component looking to the south and southwest were significantly more attractive than views from other portions of the site, and that the urban

design approach was to provide an appropriate definition to the parkland and open space to the south of the site and to reinforce the transition from the commercial nature of the area to the residential portions of Foggy Bottom.

22. The applicant's transportation expert testified that the site-generated traffic can be accommodated on the existing street network and all the intersections would operate at acceptable levels of service. He testified that the parking and loading facilities provided in the project were sufficiently generous to accommodate the needs of the project, and that there would be no adverse transportation impact on the District or the neighborhood due to the development. He concluded that the proposed project satisfies a number of goals and policies of the District of Columbia and is consistent with the Transportation Element of the Comprehensive Plan.
23. The applicant's development consultant testified that the proposal develops the site rationally and economically through the utilization of the PUD process and makes a significant contribution to the District while remaining in complete conformance with the goals of the neighborhood and the District's Comprehensive Plan.
24. The District of Columbia Office of Planning (OP), by report dated March 20, 1992 and by testimony at the public hearing, recommended that the Zoning Commission approve the preliminary application for a planned unit development and related map amendment from SP-2 to C-3-C for the following reasons:
 - (a) The proposed change in zoning and the project are not inconsistent with the Comprehensive Plan;
 - (b) The proposed PUD appears to correct the apparent oversight in the Comprehensive Plan by incorporating a residential component into the project;
 - (c) AGC provides almost one square foot of residential space for each square foot of commercial space in excess of the 3.5 FAR that is permitted as a special exception for limited office development;
 - (d) The height of the proposed PUD would be the same height of the GSA building with a major setback of 94 feet echoing the setback on the GSA building; and

- (e) The project conforms with the City's goals and objectives, advances the City's land use policies and provides a living and working environment for future occupants with superior amenities that are not provided by applying the matter-of-right provisions of the Zoning Regulations to the site.
25. The District of Columbia Department of Public Works (DPW), by memorandum dated March 26, 1992, concluded that the volume of traffic generated by the PUD would not adversely impact on the intersections at 19th and E Streets nor 20th and E Streets; that DPW had no objection to the proposed number of loading berths and service delivery areas; that there are adequate water and sewer facilities with adequate capacity to satisfy the demand created by this project; that the proposed level of parking provided in the project is adequate to service the project and minimize parking spill-over into the surrounding neighborhood streets; and that access to parking and loading facilities appears to be adequate. DPW recommended that the applicant submit further information concerning levels of service at the intersections of F and 19th Streets, and F and 20th Streets, as well as detailed site plans about the workability of loading facilities as part of the second-stage PUD application.
26. The District of Columbia Metropolitan Police Department (MPD), by letter dated March 5, 1992, stated it had no opposition to the proposed development but recommended that a responsive physical security plan for this development be submitted by the applicant.
27. Advisory Neighborhood Commission (ANC) 2A, by letter dated March 23, 1992 and by testimony at the public hearing, opposed the application and the requested rezoning. ANC-2A opposed the rezoning from SP-2 to C-3-C as being inappropriate to the site and out of context with the surrounding area - particularly the residential area to the west and northwest. ANC-2A also opposed the PUD in terms of historic preservation and in its opinion, the unfortunate precedent this zoning change would provide for the neighborhood. Additionally, ANC-2A stated that the FAR was too great and the building was too high and bulky, exceeding the PUD guidelines by 17 percent for height and 14 percent for FAR. ANC-2A noted that there seems to be no satisfaction as to the requirement of proof in the proposed PUD regarding the public benefit and meritorious aspects of the proposal.

ANC-2A further noted that the traffic analysis was not sufficient, given the traffic jams which have been witnessed many mornings at the intersection of 20th and E Streets, and in the afternoons at 19th and E Streets, as traffic flows towards the freeways leading to Routes 66 and 50 as well as the Whitehurst Freeway.

28. The Foggy Bottom Association (FBA), by letter dated March 30, 1992, opposed the application because it lacked amenities and would adversely impact the surrounding residential community and the historic elements, pursuant to the Comprehensive Plan.
29. Allstate Hotel Properties (Allstate), the owner of a property contiguous to and northwest of the PUD site, appeared as a party in support at the public hearing. Allstate asked the Zoning Commission to require the applicant to place the residential component of the project on the eastern portion of the subject site, as opposed to the western portion as proffered by the applicant. Allstate requested that the Zoning Commission require the applicant to continue discussions with Allstate about merging the properties in order to achieve a unified development with Allstate.
30. The applicant, through its representatives, testified that it had many contacts with Allstate over the years, including a number of approaches during the past six months. The applicant did not believe that adding the Allstate property to the PUD site was in its best interest and that, because of the differing goals of the two entities, it was extremely unlikely that there could be a meeting of the minds between these entities.
31. There were no other persons or parties in support of or in opposition to the proposal, either entered into the record or appearing at the public hearing.
32. At the conclusion of the hearing, the Zoning Commission left the record open so that the applicant could meet with the community and Allstate in order to try to address their respective concerns.
33. By post-hearing submission dated April 24, 1992, the applicant submitted a letter indicating that it met a number of times with a community group and Allstate. The applicant proffered a compromise project of 90 feet in height, 6.0 FAR, C-3-C zoning, and an all-commercial project, in lieu of the application, in an effort to

accommodate the community's concerns. With regard to Allstate, the applicant concluded that despite best efforts and intentions, there could be no accommodation between the applicant and Allstate due to the philosophical and business differences between them.

34. ANC-2A, by post-hearing submission dated April 24, 1992, did not take a position on the compromise proposal but requested the Zoning Commission to provide the parties with more time to consider the detailed parameters of the new approach in an effort to reach an agreement.
35. Allstate, by post-hearing submission dated April 24, 1992, believed that more time would be needed to reach an agreement with the applicant. Allstate did not oppose the compromise proposal.
36. By memorandum dated May 1, 1992, OP requested the Zoning Commission to waive its rules of practice and procedure to receive the comments of OP about the above-mentioned post-hearing submissions.
37. On May 11, 1992, at its regular monthly meeting, the Zoning Commission considered the OP request to waive its rules of practice and procedure. No parties filed comments relative to the OP request. After Commission discussion, the Chairman waived the rules and received the OP report into the record.
38. OP, by supplemental report dated May 1, 1992, indicated that it would not recommend that the Commission encourage any compromise position likely to result in the elimination of the critical residential component of the proposed mixed-use PUD. OP further indicated that residential uses are extremely important to transition areas around the Central Employment Area. This is particularly true for the Foggy Bottom area.
39. The Commission concurs with the position of OP and DPW, and does not concur, in large part, with ANC-2A nor Allstate.
40. The Commission finds that the proposed PUD will provide essential housing in the downtown area and will act as a model for mixed-use development in this transition area between the high-density Central Employment Area and the residential Foggy Bottom neighborhood. Thus, the

Commission does not believe that the compromise proffered by AGC, in the spirit of cooperating with the community, is in the best interest of the District of Columbia.

41. As to the concern about compliance with the Comprehensive Plan, the Commission finds that the PUD project and map amendment from SP-2 to C-3-C are in conformance with the Land Use Element of the Comprehensive Plan which designates the site for high-density, commercial uses.
42. As to the concern of ANC-2A about urban design issues, the Commission finds that the height and bulk of the project from grade to the cornice line are appropriate, in part, because of the large open space to the south of the PUD site, and the effort to replicate the cornice line of the GSA building to the east of the PUD site. The Commission further finds that the proposed urban design approach is consistent with the Urban Design Element of the Comprehensive Plan and the tenets of the L'Enfant and McMillan Plans.
43. As to the concern of ANC-2A and DPW about the traffic and loading workability issues, as well as MPD about security, the Commission is persuaded that the resolution of these issues can be made during the second-stage processing of the PUD.
44. As to the concern of ANC-2A and others about the project amenities, the Commission finds a critical amenity is the production of on-site residential uses. The Commission believes that the residential component provides an appropriate transition between the office uses to the south and east, and the low-density residential uses to the northwest (Foggy Bottom).
45. As to the concern of ANC-2A and others about historic preservation and the impact of the proposal thereon, the Commission is not persuaded that the development of the site as a PUD adversely affects historic preservation in the area. The Commission notes that the Foggy Bottom Historic District is several blocks from the PUD site.
46. The Commission finds that the concerns related to the location of the residential uses alleged by Allstate are not persuasive. The location of the residential on the western portion of the site provides a significantly better residential environment, superior views and generally conforms with the land use pattern in the area.

47. The Commission finds that it is without authority to require AGC to sell or join its property with Allstate.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the District of Columbia.
2. The development of this PUD project carries out the purposes of chapter 24 of the Zoning Regulations to encourage the development of well-planned residential, 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 the project is compatible with District-wide and neighborhood goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. The approval of this application is not inconsistent with the Comprehensive Plan for the National Capital because it will produce needed housing, be a catalyst for redevelopment in a transition area, strengthen the distinguishing physical qualities of the area, and increase employment opportunities.
5. The approval of the application is consistent with the purposes of the Zoning Act and the Zoning Map of the District of Columbia, which include stabilizing land values and improving mixed use areas.
6. The application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community or the District. The project will enhance and promote the revitalization of the area.
7. 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.

8. The Zoning Commission has accorded ANC-2A the "great weight" consideration to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders that this application for first-stage review of a PUD for Lot 835 in Square 122 located at 1957 E Street, N.W. be APPROVED. This approval is subject to the following guidelines, conditions and standards:

1. The applicant shall submit, with the application for second-stage approval of the PUD, an application for rezoning the PUD site from SP-2 to C-3-C.
2. The second-stage design of the PUD shall be based on further development and refinement of the plans prepared by the architectural firm of Keyes, Condon, Florance, Eichbaum, Esocoff & King, marked as Exhibit Nos. 3 and 21 of the record, as modified by the guidelines, conditions and standards of this order.
3. The PUD site shall be developed as a mixed-use project consisting of commercial and residential uses.
4. The floor area ratio for the PUD project shall not exceed 7.96, of which not more than 5.79 FAR shall be devoted to commercial use and not less than 2.17 FAR shall be devoted to residential use.
5. The height of the PUD project shall not exceed one hundred and seven (107) feet.
6. The applicant shall reduce the height and bulk of the portions of the building(s) above the height of ninety-four (94) feet, which may include, but not be limited to, the following:
 - (a) Reduce the height of the penthouse(s) to a height of approximately twelve (12) feet above the roof; and
 - (b) Increase the penthouse(s) setbacks from ten (10) feet to approximately twenty (20) feet from the perimeter of the roof.

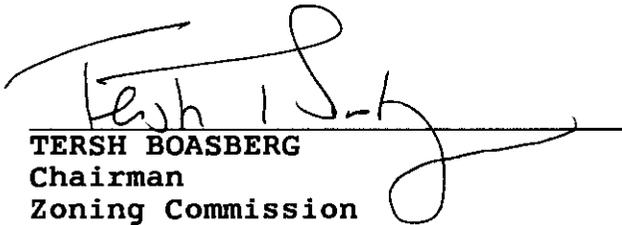
7. The PUD project shall be developed with not less than fifty-five (55) residential units.
8. In addition to the requirement of Condition No. 7 of this order, the applicant may submit an alternative architectural scheme which combines space in the residential component to create larger apartments in response to market conditions.
9. There shall be a minimum of 200 on-site parking spaces with one parking space designated for each residential unit. The applicant may be permitted to provide additional parking spaces in public vaults.
10. Loading areas, driveways and walkways shall be located on the site as shown on Exhibit Nos. 3 and 21 of the record.
11. The applicant shall submit information about and address the following, as part of its second-stage application:
 - (a) The level of service for traffic at peak hours for the intersections of 19th and F Streets, and 20th and F Streets;
 - (b) A detailed plan for the loading facilities and the workability thereof; and
 - (c) A responsive physical security plan for the project.
12. The applicant shall submit, as part of the second-stage application, landscape plans, detailed architectural plans and elevations indicating the design treatment, including the building materials, color and other such details, pursuant to 11 DCMR 2404.12.
13. This first-stage PUD approval shall be valid for a period of one year from the effective date of this order.

Vote of the Zoning Commission taken at the public meeting on May 11, 1992: 4-0 (John G. Parsons, Maybelle Taylor Bennett, William L. Ensign and Tersh Boasberg, to approve with conditions - Lloyd D. Smith, not present, not voting).

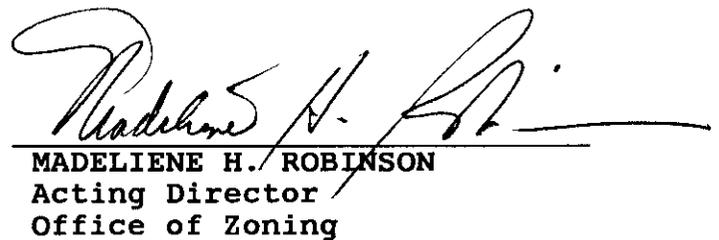
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This order was adopted by the Zoning Commission at the public meeting on July 13, 1992 by a vote of 3-0 (John G. Parsons, William L. Ensign and Maybelle Taylor Bennett, to adopt - Tersh Boasberg and Lloyd D. Smith, not present, not voting).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on AUG - 7 1992.



TERSHER BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning

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