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July 8, 2004

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D C OFFICE OF ZONING
2004 JUL -8 AM 11:07

VIA HAND DELIVERY

Mr Alberto Bastida
D C Office of Zoning
441 4th Street, N W., Suite 210S
Washington, D.C. 20001

Re: Z.C. Case No ~~03-26~~ 04-01
American Pharmacists Association

Dear Mr. Bastida.

On behalf of the American Pharmacists Association, we are filing herewith its Proposed Findings of Facts, Conclusion of Law, and Order in the above-referenced case. Should you need any additional information, please do not hesitate to contact me at (202) 862-5990

Very truly yours,

Carolyn Brown

Enclosure

ZONING COMMISSION
District of Columbia
CASE NO. 04-01
EXHIBIT NO. 31

ZONING COMMISSION
District of Columbia
CASE NO.04-01
EXHIBIT NO.31

BEFORE THE DISTRICT OF COLUMBIA
ZONING COMMISSION

RECEIVED
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ZONING COMMISSION CASE NO. 03-26
Consolidated Planned Unit Development and Map Amendment for the Property Located at 2255 Constitution Avenue, N.W.
(Site of the American Pharmacists Association)
Square 62, Lots 19, 810, Pt. 813, 814, and 815
Date of Final Action

APPLICANT'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on June 3, 2004, to consider applications from the American Pharmacists Association, for consolidated review and approval of a planed unit development, and related zoning map amendment from unzoned property to the SP-2 District. The Commission considered the applications pursuant to chapters 24 and 30 of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Zoning Commission hereby approves the applications.

FINDINGS OF FACT

The Applications, Parties and Hearing

1. On January 13, 2004, the American Pharmacists Association, with the consent of the U.S. General Services Administration ("GSA"), filed an application with the Zoning Commission to amend the Zoning Map from the unzoned to SP-2 District for the property located at Lots 810, Pt. 813, 814, and 815 in Square 62, and an application for a planned unit development ("PUD") for Lots 19, 810, Pt. 813, 814, and 815 in Square 62 for premises address 2215 Constitution Avenue, N.W., Washington, D C.

2. After proper notice, the Zoning Commission held a hearing on the applications on June 3, 2004 The parties to the case were the applicants and Advisory Neighborhood Commission ("ANC") 2A, the ANC within which the property is located.

3. At the June 3, 2004, hearing, the Zoning Commission took proposed action by a vote of 4-1 to approve with conditions the applications and plans that were submitted to the record and presented at the June 3 hearing

4. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-

Government and Governmental Reorganization Act. NCPC, by delegated action of the Executive Director dated July 8, 2004, found the proposed PUD would not affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

5 The Zoning Commission took final action to approve the modified application on [redacted].

The PUD Project

6. The Subject Property is located at Lots 19, 810, Pt 813, 814 and 815, comprising all of Square 62 with the exception of the excluded portion of Lot 813, in the northwest quadrant of the city. The site is rectangular in shape and contains approximately 82,085 square feet of land area. Lot 19 is zoned SP-2, while the remaining Lots are unzoned.

7 The surrounding area is characterized by a mixture of Federal and institutional uses To the north of the site are C Street and the United States Department of State; to the east of the site are 22nd Street and the National Academy of Sciences The western boundary of the site is adjacent to the 17-foot strip along 23rd Street that has been dedicated for open space, and across the street from the future site of the Institute of Peace. The southern side of the site is adjacent to United States government open space, including a portion of the National Mall.

8. The proposed PUD consists of an addition to the existing American Pharmacists Association headquarters located at 2215 Constitution Avenue, N.W. The present three-story "annex," constructed in 1962 and located to the rear of the main building, will be replaced with a new five-story addition. The existing building with the new addition will contain approximately 166,750 square feet of gross floor area and will have an aggregate floor area ratio ("FAR") of approximately 2 14.

9. The annex that will be demolished was determined by the Historic Preservation Review Board ("HPRB") to be non-contributing to the landmark building. The project architects have taken great care to design the addition in a manner that is consistent and compatible with the original historic structure. The addition will be of similar height to surrounding buildings, and will align with the existing building lines on both C Street and 23rd Street. The addition will be symmetrically situated on the northern side of the existing building, creating a uniform and rectangular backdrop to the historic structure.

10. Lot 19 of the PUD site is located in the SP-2 District. The SP-2 District is a medium-high density district that was designed to act as a buffer between adjoining commercial and residential areas and to ensure that new development is compatible in use, scale, and design with the transitional function of the zone district. The maximum height permitted in the SP-2 District is 90 feet with no limitation on the number of stories. The total floor

area ratio ("FAR") permitted in the SP-2 District is 6.0, with non-residential uses permitted up to a 3.5 FAR.

11. The Foggy Bottom/West End area is characterized by a mixture of land uses, including predominantly high rise office buildings, hotels and apartment houses and a broad range of institutional uses. Retail uses for the most part are contained within the first floor of high-rise buildings devoted to other uses

12. The PUD regulations require a site in the SP-2 District to contain a minimum of 15,000 square feet of land area. The total land area of the entire PUD site is 82,085 square feet, and thus meets the minimum area requirements for a PUD.

13. The proposed development complies with the height standards under section 2405 1 of the Zoning Regulations. The maximum building height for the proposed development is 65.42 feet. The PUD project will be developed to a total aggregate density of 2.14 FAR, or 166,750 square feet of gross floor area. This density is significantly lower than the 4.5 FAR permitted for a PUD in the SP-2 District.

14. The following benefits and amenities will be created as a result of the PUD project:

    a. *Urban Design, Architecture, Landscaping and Open Space.* The project exhibits an exceptional and appropriate architectural design. The new addition has been sensitively designed to frame the original building designed by renown American architect John Russell Pope, complement the monumental Beaux Art style of the original structure, and protect its free-standing qualities through adequate setbacks. At the same time, it will allow for the continued use and viability of the landmark building as originally intended well into the future. The proposed addition has undergone extensive review with regard to its design and architecture and has received favorable recommendations from HPRB, NCPC, and the Commission of Fine Arts. The resulting architecture is compatible with both the existing historical structure and surrounding buildings in terms of materials, scale, and massing. The urban design has been carefully articulated to create visual consistency with the existing building lines on both C Street and 23rd Street.

    b *Transportation Features.* The off-street parking provided, as discussed in the Traffic Report, far exceeds the requirements of the Zoning Regulations. Further, the parking will be provided in a below-grade garage, allowing much of the existing surface parking area to be replaced with additional landscaping. The PUD site is within several blocks of the Foggy Bottom Metrorail stop and has excellent access to I-66 and other major roadways. The development has also been designed with two entrances and exits to the parking garage, in order not to solely rely on access from 22nd Street As the State Department has closed off C Street to vehicular traffic, cars and taxis often form a queue on 22nd Street while

dropping off or picking up. An additional point of access on 23rd Street will significantly improve access to the Property and vehicular movement on the surrounding street system

c *Historic Preservation.* The American Pharmacists Association building is an individually designated landmark listed in the D C. Inventory of Historic Sites and the National Register of Historic Places. The original American Pharmacist Association building design is based on Pope's rejected scheme for a memorial to Abraham Lincoln's birthplace in Kentucky. The American Pharmacists Association embraced the design and began construction in 1933; the original structure was completed in 1934. In 1962, the American Pharmacists Association needed to expand and an addition was constructed at the rear at the C Street side of the building. The addition is known today as the "annex." The new addition that will replace the annex will be consistent and compatible with the existing historic structure while allowing for the continued use and viability of the landmark building well into the future.

d. *Environmental Benefits.* The proposed addition was designed with significant sensitivity to landscaping and tree preservation. There are several mature evergreen trees to the front of the existing building that will remain. There are also a number of other significant trees that will be preserved on the site. Development of the Federally owned lots will also allow for important environmental remediation. Subsurface investigations of the soil on Lots 810, 813, 814 and 815 indicated that the soil is contaminated with volatile organic compounds as a result of a former dry cleaning establishment that operated in the 1940s. As all land-disturbing activities in the District of Columbia are regulated by law, the Federally owned lots would be remediated in conjunction with the construction of the proposed addition.

15. The proposed PUD advances the purposes of the Comprehensive Plan, is consistent with the Generalized Land Use Map and furthers and complies with the major themes and elements for the District and Ward 1 in the Comprehensive Plan. The Project significantly advances these purposes by promoting the social, physical and economic development of the District through the provision of quality institutional development that will enhance the built environment. The project will also achieve the community goal of adequate parking through an unobtrusive below-grade parking garage that provides substantially more parking than that required by the zoning ordinance.

16. The PUD is also consistent with many of the Comprehensive Plan's major themes, as follows:

a. *Stabilizing and Improving the District's Neighborhood.* The proposed addition to the existing American Pharmacists Association headquarters will maintain the stable institutional/Federal character of the neighborhood

b. *Respecting and Improving the Physical Character of the District.* The proposed PUD respects and improves the physical character of the District through the construction of a well-planned and carefully designed development.

c. *Preserving the Historic Character of the District.* The historic landmark building significantly contributes to the historic beauty and fabric of the District. It will be retained and remain a viable building for years to come by virtue of the sensitively designed addition.

d. *Reaffirming and Strengthening District's Role as an Economic Hub.* The Comprehensive Plan encourages maximum use of the District's location for both private and public growth to promote economic development. The expansion of the American Pharmacists Association headquarters provides additional jobs to strengthen the economic health of this area while supporting a network of the Association's approximately 50,000 members

17. The Project also furthers the specific objectives and policies of many of the Comprehensive Plan's major elements as follows:

a. *Economic Development Element.* According to the Economic Development element of the Comprehensive Plan, the District places a high priority on the generation of new and productive uses of currently underused commercially and industrially zoned lands. 10 DCMR § 200.10. The proposed PUD will dramatically improve upon the vacant parcels along C Street. Another priority of the Economic Development Element is stimulating and facilitating a variety of commercial, retail and residential development investments appropriate to selected Metrorail station areas outside of the Central Employment Area, consistent with the Land Use element and ward plans, with sensitivity to the surrounding area. 10 DCMR § 204.2(m) This project provides commercial development outside of the Central Employment Area that will maintain a significant number of jobs. A portion of the new space will be leased to third parties, to include GSA, and will therefore contribute to the tax base of the District of Columbia.

b. *Urban Design Element* The Urban Design element states that it is the District's goal to promote the protection, enhancement and enjoyment of the natural environs and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient. 10 DCMR § 701.1. The Urban Design element also has an objective of encouraging

new construction or renovation/rehabilitation of older buildings in areas with vacant or underused land or structures in order to create a strong, positive physical identity. 10 DCMR § 712.1. The proposed PUD has been designed to enhance the physical character of the area and complement the materials, height, scale and massing of the surrounding development. 10 DCMR § 708.2. The streetscape objective of this element is to establish a clear classification of streets and sidewalks that is functionally efficient and visually coherent, enhances the pedestrian environment, and provides for the orderly movement of goods and services. 10 DCMR § 709.1.

c. *Preservation and Historic Features Element.* The new preservation and historic features goal for the District of Columbia, as set forth in the Comprehensive Plan, is to preserve the important historic features of the District while permitting new development that is compatible with those features. 10 DCMR § 801 1. The proposed PUD exemplifies this goal, in maintaining an important historic landmark while allowing for necessary but compatible expansion.

18. The Project also fulfills and furthers the specific objectives for this area, as set forth in the Comprehensive Plan for Ward 2:

a. *Ward 2 Transportation Element.* Ward 2 is located at the center of the District and at the focal point of the Metrorail system, buslines, and the city's freeway and arterial street system. Although its location provides great benefits to the residents and employees of Ward 2, it also creates some adverse impacts on quality of life 10 DCMR § 1309.1. Parking within the ward is identified as a major problem due to evening visitors, student parking, and the lack of parking provisions for many residential dwellings. 10 DCMR § 1309.11 This element of the Comprehensive Plan encourages strict adherence to the current parking requirements of the zoning regulations. 10 DCMR § 1311 1(d)(3) The provision of a minimum of 143 parking spaces, well above the 91 spaces required, will ensure that the new addition will not contribute to parking shortages in the area. The parking will be provided in a below-grade garage, allowing portions of the existing surface parking area to be replaced with additional landscaping. The PUD site's proximity to both the Foggy Bottom Metrorail Station and I-66 provides unproblematic access and mobility

b *Ward 2 Urban Design Element.* A Ward 2 objective for urban design is to place special emphasis on the sensitive design of areas around Metrorail stations where new development is likely to occur, respecting the integrity of those areas adjacent to those sites This element states that pedestrian amenities, ease of access, lighting, security and signage befitting a portal to the city should be provided, in addition to adequate buffering and integration of new development into the surrounding city. 10 DCMR § 1317.1(c). The proposed addition has

been designed to enhance the physical character of the area and complement the materials, height, scale and massing of the existing building.

c. *Ward 2 Preservation and Historic Features Element.* Primary objectives of the Ward 2 Preservation and Historic Features element include the preservation and reuse of historic landmarks and buildings in historic areas of Ward 2, and the preservation of the design quality of historic and special streets and places in Ward 2. 10 DCMR § 1319.1(a)(b). The proposed addition will be compatible with the existing historic landmark building, allowing the design quality to be preserved.

d *Ward 2 Major Institutional Complexes Element.* The Comprehensive Plan sets forth a single objective for major institutional complexes in Ward 2: to undertake coordinated planning for the continued, reasonable development of the major institutional complexes in Ward 2. 10 DCMR § 1341 1. The American Pharmacists Association has undertaken the PUD process in order to ensure coordinated planning and review of this important historical site. As detailed above, the proposed development conforms to the goals, objectives, and policies of the Comprehensive Plan, including those of the ward plan.

Office of Planning Report

19. By report dated May 24, 2004, and through testimony presented at the public hearing, the Office of Planning ("OP") recommended approval of the PUD application. OP found that the proposed PUD is not inconsistent with the Comprehensive Plan. OP further found that the proposal is consistent with the objectives and evaluations standards of a PUD. OP stated that the prominence of the existing historic structure was maintained by an appropriately designed addition and that the proposed SP-2 zone designation of the parcel is consistent with the surrounding properties.

District Department of Transportation Report

20. By report dated May 29, 2004, the District Department of Transportation ("DDOT") stated that it had no objection to the project as proposed. DDOT recommended that the Applicant coordinate with the State Department and the National Academy of Sciences to ensure that traffic circulation is improved on 22nd Street, N.W., near the C Street intersection.

ANC

21. By resolution dated May 19, 2004, and through letter dated May 24, 2004, Advisory Neighborhood Commission ("ANC") 2A unanimously supported the PUD project and zoning of the unzoned parcel to SP-2 ANC 2A noted that the proposed addition, as modified by supplemental drawings submitted by the Applicant, will create a superior backdrop for the Pope building better than is currently afforded by the State Department building. The ANC further commented that the PUD does not request any development flexibility beyond the limits allowed in the SP-2 District as a matter-of-right and is substantially below the height and FAR permitted in SP-2. The Commission affords the views of the ANC the "great weight" to which they are entitled.

CONCLUSIONS OF LAW

1 Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. 11 DCMR § 2400.1 The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." 11 DCMR § 2400.2.

2. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and

loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.

3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned developments that will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

4 The proposed PUD meets the minimum area requirements of section 2401.1 of the Zoning Regulations

5. The PUD is within the applicable height, bulk and density standards of the Zoning Regulations. The project will, in fact, include less height and density on the site than is permitted as a matter of right either in the SP-2 District The size, scale, design and use of the building are appropriate for this site and the monumental nature of Constitution Avenue and will allow the American Pharmacists Association to continue its long association with this parcel. Accordingly, the project should be approved. The impact of the project on the surrounding area is not unacceptable. As set forth in the findings of fact, the proposed development has been appropriately designed to respect the existing historic building in terms of height and mass and is complementary to adjacent buildings.

6. The applications can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.

7. The project benefits and amenities are reasonable for the development proposed on the site. The PUD responds to both the historic building and the surrounding institutional and governmental buildings.

8 Approval of this PUD is appropriate because the proposed development is consistent with the present character of the area.

9. Approval of this PUD and change of zoning is not inconsistent with the Comprehensive Plan.

10. The Commission is required under D.C. Code Ann. § 1-309.10(d)(3)(A) (2001) to give great weight to the affected ANC's recommendation. The Commission has carefully considered the ANC's recommendation for approval and concurs in its recommendation.

11. The applications for a PUD and map amendment will promote the orderly development of the site 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.

12 The applications for a PUD and map amendment are subject to compliance with D.C Law 2-38, the Human Rights Act of 1977.

DECISION

The Zoning Commission for the District of Columbia orders **APPROVAL** of the Applications for consolidated review of a Planned Unit Development for Lots 19, 810, 814, 815 and part of 813 in Square 62 and for a Zoning Map amendment from unzoned to SP-2 for Lots 810, 814, 815 and part of 813 in Square 62, subject to the following guidelines, conditions and standards:

1. The PUD shall be developed substantially in accordance with the plans prepared by Hartman Cox Architects, dated May 14, 2004, marked as Exhibit No. 20 of the record (the "Plans"), as modified by the guidelines, conditions and standards herein.

2. The PUD shall be an office building addition to the existing historic landmark Pope Building. The addition shall contain a maximum of approximately 166,750 square feet of gross floor area. The total project shall have an overall FAR of approximately 2.14. The uses in the building shall be limited to

   a. Organizations and institutions serving American pharmacy on a non-profit basis, including normal incidental and accessory uses;

   b. Office space and ancillary support space for pharmaceutical-related uses or entities devoted to the field of public health, but excluding space to be used for the provision of professional services; or

   c. Office space for local, federal, international, or quasi-governmental agencies.

   Any other proposed use shall require the prior approval in writing by the Zoning Commission for the District of Columbia and the National Capital Planning Commission

3. The maximum height of the building shall be 65 42 feet, as shown on the Plans. The building may include a roof structure with a height not to exceed eighteen feet, six inches, as shown on the Plans.

4. The Project shall include a minimum of 143 parking spaces in the below-grade parking garage.

5. The Project shall include two twelve foot by thirty foot loading berths and one twelve foot by twenty foot service/delivery space as shown on the Plans

6 The Applicant shall include landscaping for the project as shown on the Plans The Applicant or its successors shall maintain all landscaping.

7. Landscaping in the public space on the surrounding public streets shall be in accordance with the Plans, as approved by the Public Space Division of DDOT or by the National Park Service, whichever has jurisdiction The Applicant or its successors shall maintain all landscaping in the public space.

8. The Applicant shall have flexibility with the design of the PUD in the following areas:

   a To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atrium and mechanical rooms, elevators, escalators, and toilet rooms, provided that the variations do not materially change the exterior configuration of the building;

   b. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials;

   c. To make minor modifications to the exterior design, materials and landscaping in response to the final review by the D.C. Historic Preservation Review Board and the Mayor's Agent for Historic Preservation, the Commission of Fine Arts and the National Capital Planning Commission;

   d. To make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylights, architectural embellishments and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals, and

   e. To make refinements to the garage configuration, including layout, number of parking spaces and/or other elements, as long as the number of parking spaces does not decrease below a minimum of 143 spaces.

9. No building permit shall be issued for this PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owners and the District of Columbia, that is satisfactory to the Office of the Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the Applicant and all successors in title to construct on and use this property in accordance with this order or amendment thereof by the Zoning Commission.

10. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicant has filed a copy of the covenant with the records of the Zoning Commission.

11. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order Within such time, an application must be filed for a

building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three years of the effective date of this order.

12. Pursuant to the Human Rights Act of 1977, D.C. Code § 1-2531 (1991), the Applicant is required to comply fully with the provisions of the Act, and this order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Division of DCRA to approve permits if the Applicant fails to comply with any provision of the Human Rights Act.

13 The approval of the PUD and the change of zoning shall become effective upon transfer of the property from the United States of America to the American Pharmacists Association.

On _____, the Zoning Commission approved the applications by a vote of 4-1 (Carol J. Mitten, Anthony J. Hood, Gregory Jeffries, and Kevin Hildebrand to approve; John Parsons to deny).

The order was adopted by the Zoning Commission at its public meeting on _____, by a vote of ____ (Carol J. Mitten, Anthony J. Hood, Gregory Jeffries, Kevin Hildebrand, and John Parsons)

In accordance with the provisions of 11 DCMR § 3028, this order shall become final and effective upon publication in the *D.C. Register*, that is on _____.

CAROL J. MITTEN
Chairman,
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning