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REPORT TO THE ZONING COMMISSION

CASE NO. 04-01
AMERICAN PHARMACISTS ASSOCIATION
2215 CONSTITUTION AVENUE, N.W.

STEVEN E. SHER,
DIRECTOR OF ZONING AND LAND USE SERVICES
HOLLAND & KNIGHT LLP

JUNE 3, 2004

I. Introduction

II. Nature of application

A. Consolidated review of planned unit development

B. Map amendment for portion of property from unzoned to C-3-C

III. Site location

A. Square bounded by 22nd , 23rd and C Streets and Constitution Avenue, N.W.

B. Foggy Bottom area, at the west end of the National Mall

IV. Site description

A. Front portion facing Constitution Avenue (52,975 square feet) is improved with:

1. A one-story building owned and occupied by the American Pharmacists Association (APhA), constructed in 1933-34, designed by John Russell Pope and a designated historic landmark

ZONING COMMISSION
District of Columbia
CASE NO. 04-01
EXHIBIT NO. 20

ZONING COMMISSION
District of Columbia
CASE NO.04-01
EXHIBIT NO.20C

2. A two story annex to the Pope building constructed in the early 1960s and determined by the Historic Preservation Review Board to be non-contributing to the landmark

B. Rear part of the site (29,110 square feet), facing C Street is owned by the United States of America, under the jurisdiction of the General Services Administration (GSA) and is currently vacant

C. Rectangular site contains approximately 82,085 square feet of land area in total

D. Includes all of Square 62 except for a seventeen foot strip along 23rd Street which will go to the National Park Service

E. Street frontage

1. C Street: approximately 260 feet

2. 22nd Street: approximately 319 feet

3. Constitution Avenue: Federal Reservation No. 332B separates property from right-of-way

4. 23rd Street: 17 foot strip owned by National Park Service separates property from right-of-way

F. Surrounding streets rights-of-way

1. C Street: 90 feet

2. 22nd Street: 90 feet

3. Constitution Avenue: 80 feet

4. 23rd Street: 100 feet

G. Development history

1. Site selected by APhA leaders in 1928

2. Joint Resolution by Congress in 1932 closing Water Street

3. Land deeded by United States to APhA in 1934

4. Pope building constructed in 1934

5. Condemnation and additional land transfers approved by Congress in 1956

6. Agreement for exchange of lands signed in 1958

7. Annex completed in 1962

H. Development review restrictions

1. 1934 deed restriction requires approval of National Capital Planning Commission (preliminary approval of proposed design given on May 6, 2004, subject to relocation of 22nd Street driveway

2. Shipstead-Luce Act and 1934 deed requires review and approval of Commission of Fine Arts (concept approval of proposed design given on April 15, 2004, subject to relocation of 22nd Street driveway)

3. Historic Landmark designation required review by Historic Preservation Review Board (concept approval of proposed design given on April 22, 2004)

4. Disposition of surplus Federal property and approval by NCPC required review under National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA)

a) Environmental Assessment prepared

b) Both NCPC and GSA have adopted Findings of No Significant Impact for NEPA review

c) Memorandum of Agreement pending to conclude NHPA review

V. Description of the surrounding area (see aerial photograph, attached)

A. General area: Foggy Bottom area, at the west end of the National Mall, across from the Lincoln Memorial and the Viet Nam Veterans Memorial

B. Immediately adjacent uses

1. Headquarters of the U.S. Department of State, to the north across C Street

2. National Academy of Sciences, to the east across 22nd Street

3. National Mall, to the south across Constitution Avenue

4. Potomac Annex/Old Naval Observatory, site of the new Institute for Peace, to the west across 23rd Street

C. General area beyond the immediate surroundings (see excerpt from National Park Service Map A, attached)

1. To the north:

a) E Street Expressway

b) Columbia Plaza mixed use residential and office development

c) Pan American Health Organization offices at 525 23rd Street

d) George Washington University campus

e) Foggy Bottom residential area

2. To the east: institutional uses along the north side of Constitution Avenue

a) Federal Reserve Board

b) Department of the Interior

c) Organization of American States

3. To the south:

a) National Mall, including Lincoln Memorial, Viet Nam Veterans Memorial, Korean War Memorial and Constitution Gardens

b) West Potomac Park

c) Potomac River

4. To the west:

a) Kennedy Center

b) Potomac River

VI. Zoning

A. Existing zoning: SP-2 (APhA property)

1. Residential/office/institutional district

2. Uses (§§501-517)

a) Residential as a matter-of-right carried-over from the R-5 District

b) Office and hotel normally require BZA approval as a special exception

c) Property also subject to use restrictions under Congressional resolution and deed restriction

3. Maximum height: ninety feet (§530)

4. Maximum FAR: 6.0, no more than 3.5 of which may be devoted to other than residential uses (§531)

5. Minimum required rear yard – 2½ inches per foot of height at the rear, minimum 12 feet; for a corner lot abutting three or more streets, may be measured to the center line of the street at the rear (§534)

6. Side yard – not required (§535)

7. Minimum required off-street parking for office use: 1 space for each 1,800 square feet of gross floor area in excess of 2,000 square feet

8. Minimum required off-street loading for office use with 100,000 to 200,000 square feet of gross floor area: 2 berths @ 30 feet deep and one service/delivery loading space

9. PUD guidelines

   a) Height: 90 feet

   b) FAR: 6.5, no more than 4.5 of which may be used for commercial, including hotels

   c) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

   d) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

B. Unzoned (Federal property)

C. Proposed zoning: SP-2 (see above)

D. History

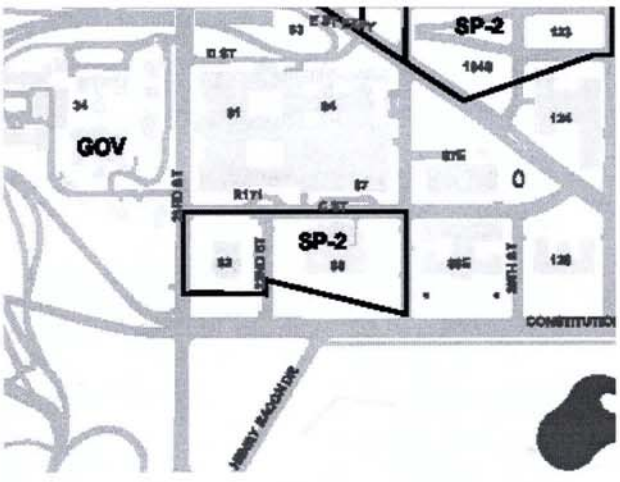
1. APhA Property

   a) Zoned SP in 1958

   b) Redesignated to SP-2 in 1978

2. Federal property: unzoned since 1958

E. Zoning of the area:



VII. Description of the proposed project

A. Uses:

1. Office space and incidental accessory uses for the APhA

2. Remainder of building not initially occupied by APhA will be leased to others for office space

a) Further restrictions under discussion with GSA

b) Organizations and institutions serving American pharmacy on a non-profit basis

c) Pharmaceutical-related uses entities devoted to public health

d) Government agencies

B. Height:

1. Maximum of 65.42 feet for the addition

2. No change to existing building (30.09 feet to the top of the parapet measured from the C Street curb)

C. Floor area ratio

1. Existing building to remain: 8,516 square feet of gross floor area

2. Proposed addition: 166,750 square feet of gross floor area

3. Total gross floor area: 175,266 square feet of gross floor area (2.14 FAR)

D. Lot occupancy: 52%

E. Parking: 143 spaces

F. Loading:

1. 2 30 foot berths

2. 1 service/delivery loading space

G. Comparison to matter-of-right and PUD standards

1. Use: office permitted as a special exception (but may be approved by the Zoning Commission under §2405.7)

2. Height:

a) Matter-of-right: 65 feet

b) PUD guideline: 90 feet

c) Proposed: 65.42 feet

3. Density:

a) Office gross floor area permitted as a matter-of-right under proposed zoning: 287,298 square feet

b) Office gross floor area permitted under PUD under the proposed zoning: 363,983 square feet

c) Proposed gross floor area: 175,266 square feet

4. Proposed office building is approximately 112,000 square feet less than the maximum permitted under the proposed matter-of-right zoning (61% of the total) and approximately 189,000 square feet less than the maximum permitted under a PUD (less than half of the total) under the proposed zoning

VIII. Compliance with PUD evaluation standards of §2403

A. Impact of project shall be favorable, capable of being mitigated or acceptable (§2403.3)

1. Removing a noncontributing addition and developing a vacant surplus Federal property with new Class A office space enables APhA to accomplish its expansion goals and remain in the city

2. Study area intersections will continue to operate at acceptable levels of service, per Wells and Associates

3. Sufficient parking is provided

4. Proposed height and density are consistent with design frame created by the height, density and location of existing buildings along Constitution Avenue and C and 23rd Streets

B. Project is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site (§2403.4): see section IX, below

C. Commission shall "judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects" (§2403.8)

D. Public benefits and project amenities

1. Urban design and architecture

2. Preservation and enhancement of open space

3. Historic preservation

4. Transportation features (parking and access considerations)

5. Environmental mitigation measures

balanced against

E. Development incentives: 0.42 foot increase in height and no increase in FAR over matter-of-right

F. Areas of flexibility from SP-2 matter-of-right standards: none

IX. Consistency with the Comprehensive Plan

A. The District Elements

1. The District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76, March 9, 1984)

2. The District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 (D.C. Law 5-187, February 15, 1985)

3. The Comprehensive Plan Amendments Act of 1989 (D.C. Law 8-129, January 5, 1990)

4. The Comprehensive Plan Amendments Act of 1994 (D.C. Law 10-193, October 19, 1994)

5. Comprehensive Plan Land Use Maps Approval Resolution of 1996 (Resolution 11-313, May 7, 1996)

6. The Comprehensive Plan Amendments Acts of 1998 (D.C. Law 12-275, April 27, 1999)

B. Interpretation of the District elements

1. "The primary dynamic of the District elements of the Plan is the overlapping of its elements' goals. This overlapping is intentional." (§112.1)

2. "District elements of the Plan should be studied and executed in concert with each other and should be interpreted broadly." (§111.(a))

3. "The interpretation and implementation of any element should necessarily rely upon, and be respectful of, the objectives and policies of other elements." (§112.1(b))

4. "An element may be tempered, even defined, by one (1) or more of the other elements. This may occur within one (1) element and between elements. Since the Land Use element integrates the policies and objectives of all other District elements, it should be given greater weight than the other elements." (§112.1(c))

5. "The interpretation of the District elements of the Plan should also be guided by the major themes set forth in §101.1, which establish the overall priorities of the District elements of the Plan." (§112.2)

C. Major Themes

1. Stabilize and Improve the District's neighborhoods (§102)

2. Increase the quantity and quality of employment opportunities in the District (§103)

3. Respect and improve the physical character of the District (§106)

4. Preserve the historic character of the District (§108)

5. Reaffirm and strengthen the District's role as the economic hub of the National Capital Region (§109)

D. Land Use element

1. Generalized Land Use Map: Institutional

2. Policies in Support of Public and Institutional Land Use Objectives:

a) "Encourage the appropriate and compatible development of public land near selected Metrorail stations and provide for development at appropriate levels of intensity and use to capitalize fully on the development and public transportation opportunities which the stations provide" (§1115.1(a))

b) "Encourage joint public and private development of publicly owned or controlled land to stimulate desired development" (§1115.1(b))

c) "Facilitate the joint public and private development where feasible of surplus government property" (§1115.1(h))

3. Commercial center classifications - within the Central Employment Area

a) "The CEA is the business and retail heart of the District and the metropolitan area." (§1107.6)

b) "The CEA is the employment, retail, office, cultural, and entertainment center, the tourist center of the District and the metropolitan area, and the center of local government." (§1107.6(a))

c) "Office use, in terms of square footage, is the largest commercial use in the CEA." (§1107.6(b))

E. Economic Development element

1. Objective to "to encourage additional development, economic diversification and job generation in portions of the Central Employment Area outside Downtown" (§205.1)

2. Policy to "Encourage and assist development and employment growth in other [than Downtown] parts of the Central Employment Area" (§205.2(f))

F. Environmental Protection element: policy to promote improvement of air quality by "promot[ing] land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips" (§403.2(c))

G. Transportation element:

1. "Support land use arrangements that simplify and economize transportation services ..." (§502.2(a)).

2. "Require major developments to demonstrate that adequate parking will exist for occupants and other users" (§505.2(e))

H. Urban design element:

1. "Maintain and enhance the physical integrity and character of the District as the Nation's Capital" (§702.1(a))

2. "Respect the L'Enfant Plan so it remains a positive guiding force for future development within the District" (§702.1(d))

3. "Design residential, commercial, and all other buildings to complement or enhance the physical character of the District;" (§708.2(a))

4. "Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region." (§708.2(b))

5. Areas of Strong Architectural Character (§710):

a) "Encourage new development within areas of strong architectural character to contribute to the physical identity and character of those areas" (§710.2(d))

b) "Encourage building massing and scale of new development to be sensitive to established patterns" (§710.2(e))

c) "Protect and enhance the green landscape and park-like setting of trees, grass areas and plants" (§710.2(f))

I. Historic Preservation element

1. "Provide for the continued appropriate use of all historic properties" (§805.1)

2. "The distinguished qualities or character of historic landscapes should be protected and enhanced" (§805.2)

3. Within the L'Enfant city, preserve original street patterns (§805.4)

4. "The landscaped green space on publicly owned, privately maintained front and side yards ... should be preserved" (§805.6)

5. "Open space traditionally associated with privately owned historic properties ... should be retained whenever possible. If additional development is permitted, sufficient open space should be retained to protect the essential integrity of the particular historic property and its sense of setting." (§805.8)

6. "The distinguishing original quality or character of historic properties should be protected. ... The design of additions should be compatible with the height, scale, materials, color, texture and character of the historic property." (§805.15)

7. "New construction on historic landmarks ... should be compatible with the historical architectural character and cultural heritage of the landmark or district. In design, height, proportion, mass, configuration, building materials, texture, color and location, new construction should complement these valuable features of the landmark or district, particularly features in the immediate vicinity to which the new construction will be visually related" (§805.16)

J. Ward 2 element

1. Economic Development:

a) "Enhance the image of Ward 2 as a place to do business" (§1301.1(a))

b) "Maintain sound areas of the ward" (§1301.1(b))

c) "Increase total employment in the ward" (§1301.1(c))

d) "Encourage office employment growth ... in other [than Downtown] parts of the Central Employment Area" (§1302.1(c))

2. Transportation

a) "Support land use policies that encourage better use of transportation services throughout the entire city such as concentrating employment in the Central Employment Area ..." (§1311.1(h))

b) Provide sufficient parking in the Central Employment Area by adhering to current zoning requirements (§1311.1(d)(3))

3. Land Use

a) Objective to "Encourage development of office buildings in appropriate locations in Ward 2, especially in the Central Employment Area" (§1329.1(a))

b) "Retain and increase federal employment in Ward 2 n new federal buildings and in leased space" (§1329.1(b))

X. Compatibility with the area

A. Use: office building of institutional character in an area currently devoted to the same uses

B. Height: existing buildings to the east and north are of greater or similar height than that proposed

C. Density: overall bulk and setbacks are compatible with density patterns of surrounding buildings

XI. Conclusions

A. Project is not inconsistent with the Comprehensive Plan

B. Proposed SP-2 zoning for now unzoned Federal property is same as zoning applicable to surrounding properties

C. Project is within the applicable height and bulk standards of the Zoning Regulations

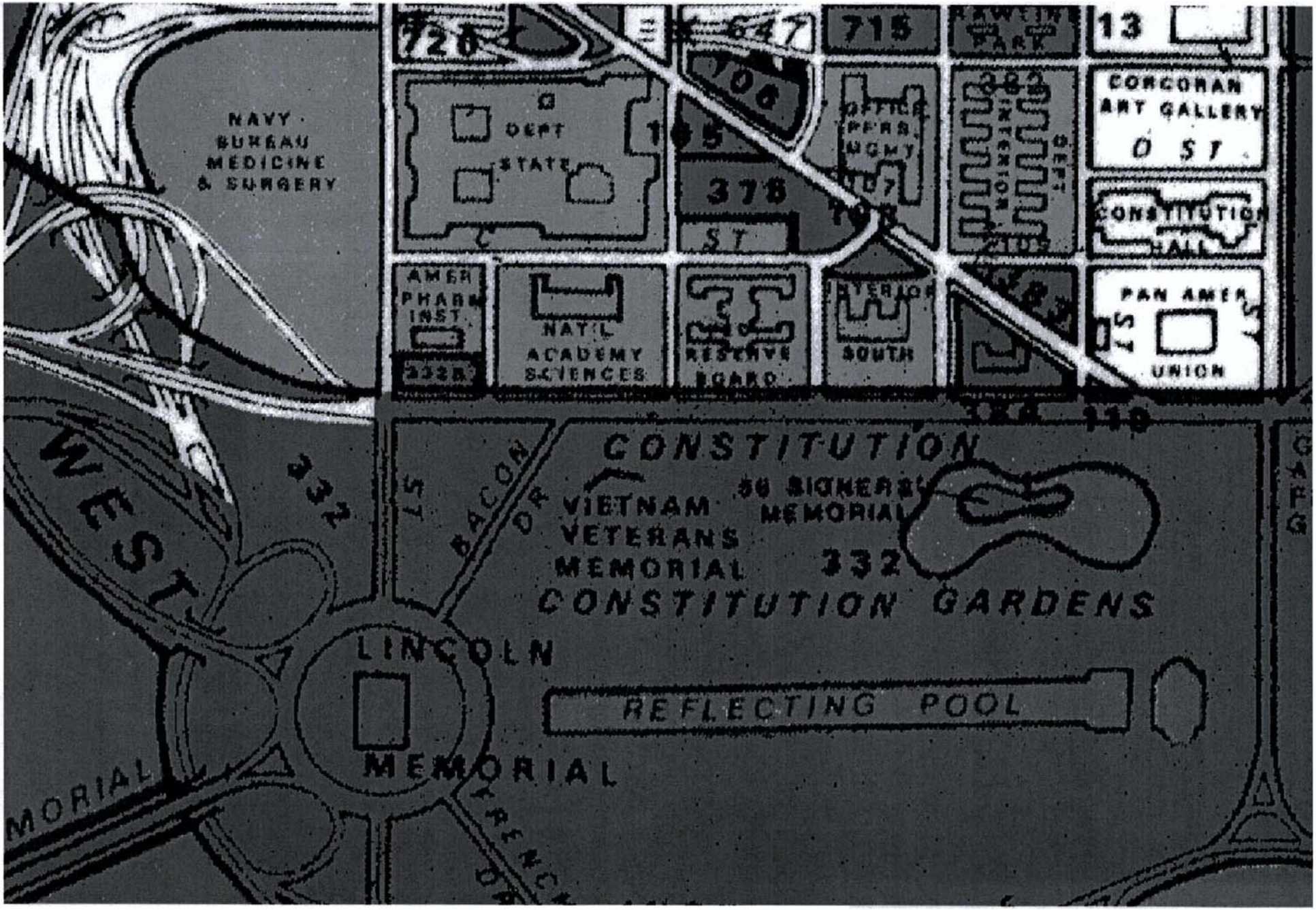
D. Public benefits which accrue to the District from the project are balanced by no development incentives or flexibility requested for the project

E. PUD and map amendment process allows zoning review to be consolidated into a single process

F. PUD allows the Zoning Commission to condition approval to what is specifically proposed, without allowing more density or uncontrolled development

G. Project should be approved


C St NW
C St NW
23rd St
Constitution Ave NW


NAVY
BUREAU
MEDICINE
& SURGERY
DEPT
STATE
378
ST
AMER
PHARM
INST
NATL
ACADEMY
SCIENCES
RESERVE
BOARD
SOUTH
CORCORAN
ART GALLERY
CONSTITUTION
HALL
PAN AMER
UNION
CONSTITUTION
VIETNAM
VETERANS
MEMORIAL
332
CONSTITUTION GARDENS
LINCOLN
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