

REPORT TO THE ZONING COMMISSION

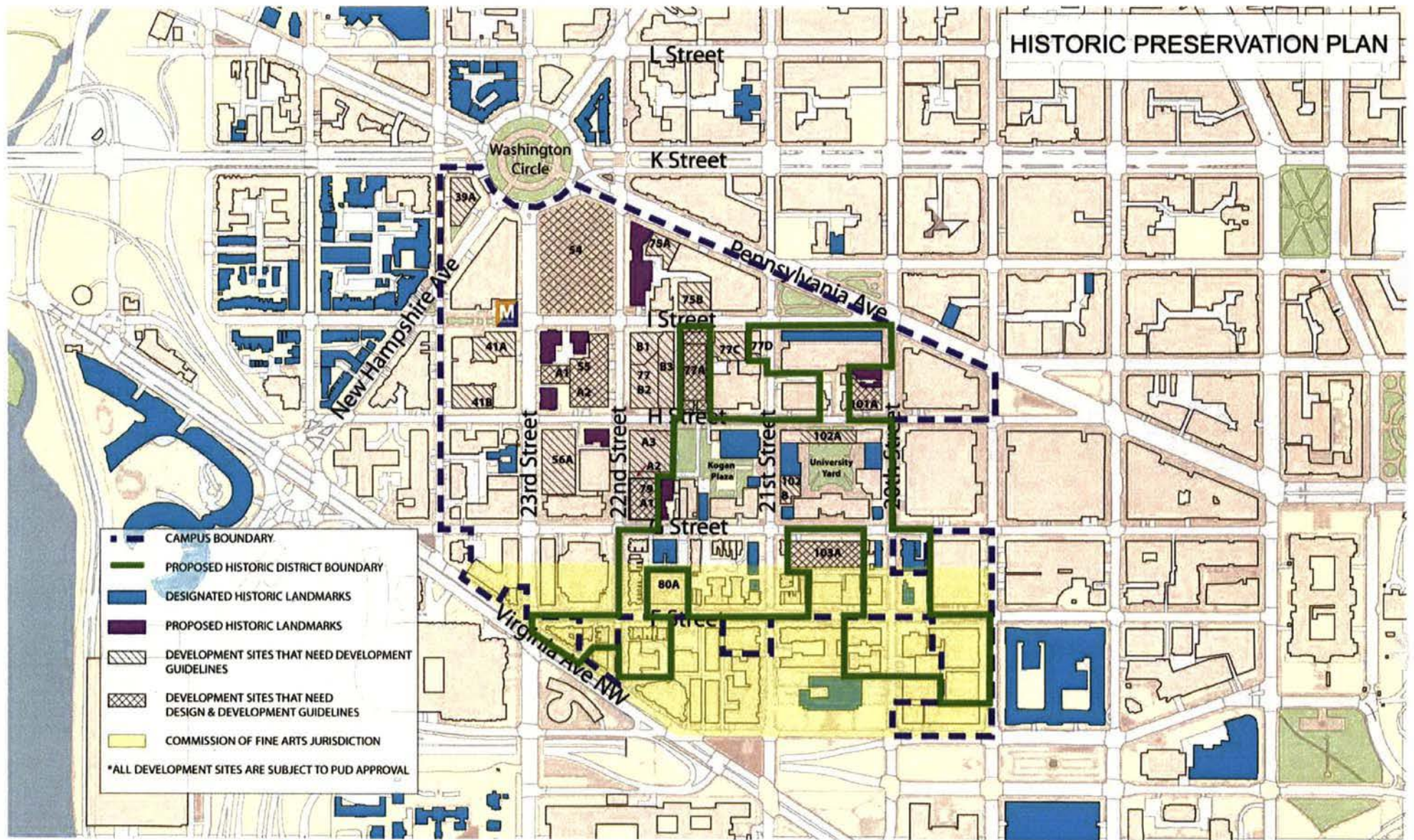
CASE NO. 08-19
2013 H STREET, N.W. – THE HSC FOUNDATION

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HOLLAND & KNIGHT LLP

DECEMBER 18, 2008

- I. Introduction
- II. Nature of application: map amendment from R-5-D to C-3-C
- III. Site location
 - A. North side of H Street between 20th and 21st Streets, N.W.
 - B. Site known as 2013 H Street, N.W., improved with three-story masonry building with accessory two-story masonry carriage house at rear
 - C. Within boundaries of Foggy Bottom Campus of George Washington University ("GW University")
 - D. Within boundaries of proposed George Washington University Historic District (see map from the GW University Campus Plan, following)
- IV. Site description
 - A. Square bounded by H, I, 20th and 21st Streets (Square 101, Lot 874)
 - B. Contains approximately 5,373 square feet of land area
 - C. Has frontage of approximately 36 feet on H Street
 - D. Existing development:
 - 1. Constructed in 1888
 - 2. Approximately 40 feet in height
 - 3. Gross floor area:
 - a) Main building: approximately 4,483 square feet
 - b) Carriage house: approximately 1,742 square feet

ZONING COMMISSION
CASE NO. 68-19
EXHIBIT NO. 24



4. Currently occupied by Action on Smoking and Health (ASH) (non-profit organization)

E. Abutting H Street – 90 feet wide

V. Description of the surrounding area

A. Subject square: (see aerial photo and tax plat of square, following)

1. To the north: 11-story commercial building behind reconstructed commercial townhouses known as 2000 Pennsylvania Avenue (Red Lion Row) owned by GW University (Z.C. Order Nos. 339 and 348) – height 112.5 feet, FAR 7.0
2. To the east: Surface parking lot owned by GW University extending to the north of the subject property (approved for rezoning to C-3-C pursuant to Z.C. Case Nos. 06-11 and 06-12, subject to filing and approval of Second Stage PUD application)
3. To the west:
 - a) Vacant land owned by GW University immediately to the west, utilized for access to the office and retail building at 2000 Pennsylvania Avenue
 - b) 3 and 4 story plus basement building owned and used by the Bureau of Catholic Indian Missions
 - c) 6-story School of Media and Public Affairs building owned and utilized by GW University (constructed pursuant to BZA Case No. 16379)

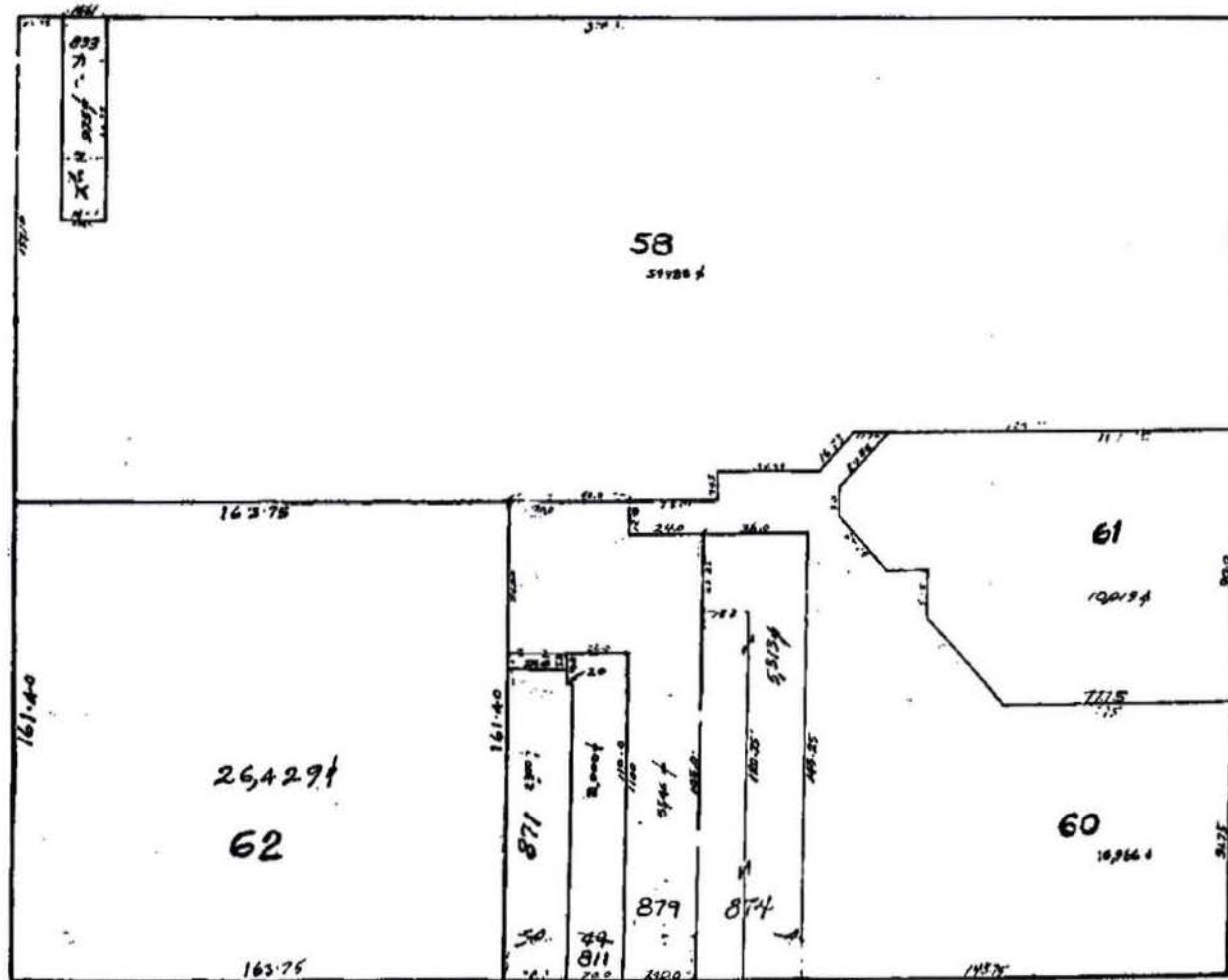
B. General area

1. To the north:
 - a) I Street
 - b) Triangular Federal reservation bounded by Pennsylvania Avenue and I and 21st Streets
 - c) Pennsylvania Avenue

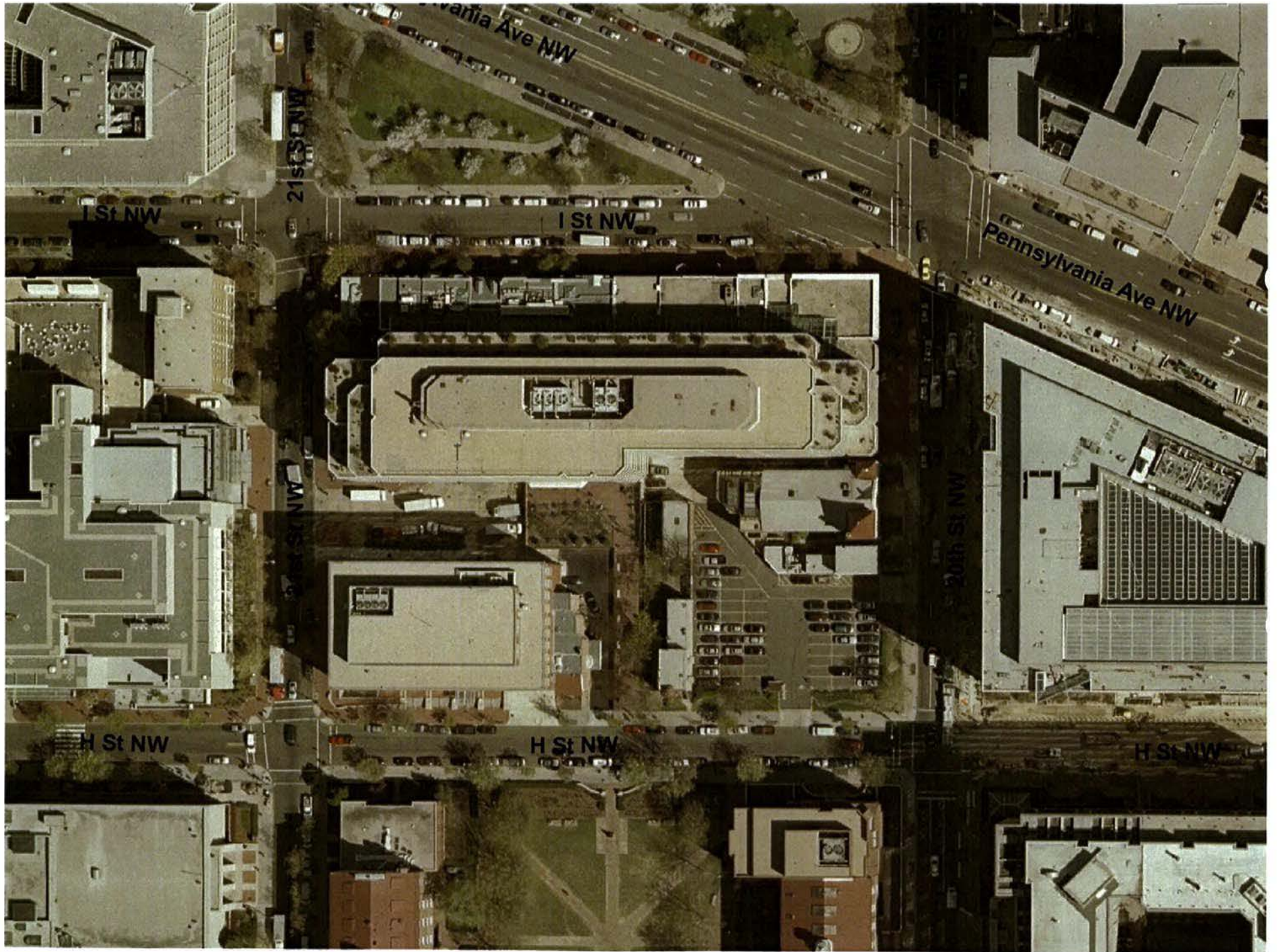
Per

21st St NW

20th St NW



H St NW



- d) Office, restaurant, hotel and retail uses – IFC building (2121 Pennsylvania Avenue), 2099 Pennsylvania Avenue, and James Monroe building (2001 Pennsylvania Avenue) up to 130 feet, 10 FAR
- 2. To the south:
 - a) H Street
 - b) University Yard – landscaped open space occupying core of Square 102 (footprint to be reduced pursuant to proposed University construction)
 - c) Surrounding University Yard – GW University campus buildings, including Law School and Law Library, extending to F Street
- 3. To the east:
 - a) 20th Street
 - b) International Monetary Fund – 130 feet, 9.07 FAR for HQ1, 130 feet, 10.0 FAR for HQ2
 - c) World Bank – 130 feet, 10 FAR
- 4. To the west:
 - a) 21st Street, N.W.
 - b) GW University campus buildings extending from Pennsylvania Avenue to E Street
- 5. Metrorail stations
 - a) Farragut West (Blue/Orange Line): northwest corner of 18th and I Streets
 - b) Foggy Bottom (Blue/Orange Lines): northwest corner of 23rd and I Streets

VI. Zoning

A. Existing zoning: R-5-D

- 1. High density residential and other compatible uses

2. Uses (§350.4)
 - a) Multiple dwellings
 - b) Hotels
 - c) Additional uses permitted by lower intensity residential districts
 - d) Colleges or universities permitted by special exception
3. Maximum height: 90 feet (§400)
4. Maximum FAR: 3.5 (§402)
5. Maximum percentage of lot occupancy: 75% (§403)
6. Minimum required rear yard – 4 inches per foot of height at the rear, minimum 15 feet (§404)
7. Side yard – not required except for detached single-family residences (§405)

B. Proposed: C-3-C

1. Medium-high density development including office, retail, housing, and mixed-use development
2. Maximum height: 90 feet
3. Maximum FAR: 6.5
4. Minimum required rear yard – 2.5 inches per foot of height at the rear, minimum 12 feet
5. Side yard – not required
6. Minimum required off-street parking for office: in excess of 2,000 square feet, 1 for each additional 1,800 square feet of gross floor area
7. Minimum required off-street loading for office: none for office buildings less than 30,000 square feet

C. Effect of the proposed change:

1. Office use permitted
2. No change in permitted height

3. Maximum permitted FAR increases by 3.0

D. Zoning of the area

1. Subject Square 101:
 - a) C-3-C in northern portion along I Street frontage and in southeast corner (pursuant to approved campus plan)
 - b) R-5-D for the remainder
2. C-3-C generally along Pennsylvania Avenue and to north; New Downtown Receiving Zone north of Pennsylvania Avenue
3. R-5-D south beyond Pennsylvania Avenue corridor
4. C-4 across 19th Street to east

E. Zoning History

1. Subject site and area generally south of Pennsylvania Avenue corridor zoned R-5-C in 1958; Pennsylvania Avenue corridor and area generally north zoned C-3-B
2. New C-3-B district established in 1980, causing existing C-3-B district to be redesignated as C-3-C
3. New R-5-C district established in 1992, causing existing R-5-C district to be redesignated as R-5-D
4. To north of property in Square 101: 2000 Pennsylvania Avenue (Red Lion Row) development site rezoned R-5-C portions to C-3-C as part of a PUD pursuant to Z.C. Orders No. 339 and 348
5. To the east of property in Square 101: Surface parking lot approved for rezoning from R-5-D to C-3-C pursuant to Z.C. Case Orders No. 06-11 and 06-12 subject to filing and approval of Second Stage PUD application
6. To east across 20th Street: IMF HQ2 rezoned from C-3-C to C-4 as part of a PUD pursuant to Z.C. Order No. 960

VII. Description of the proposed project

- A. Office
- B. Height: 84.8 feet

C. Floor area ratio – 5.0

VIII. Standards applicable to Zoning Map amendment (D.C. Code, Section 5-414)

A. Zoning regulations and maps shall be "not inconsistent with the comprehensive plan for the national capital"

B. Regulations shall be designed to:

1. Lessen congestion
2. Secure safety from fire, panic and other dangers
3. Promote health and general welfare
4. Provide adequate light and air
5. Prevent undue concentration of population and overcrowding of land
6. Promote conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity and recreational, cultural and educational opportunities
7. Further economy and efficiency of public services

C. Regulations shall consider character of districts and their suitability for uses

D. Regulations shall encourage stability of districts and land values

IX. Consistency with the Comprehensive Plan - The District Elements - The Comprehensive Plan Amendment Act of 2006 (D.C. Law 16-300, March 8, 2007)

A. Framework element – guiding principles

1. Managing growth and change
 - a) "Change in the District is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness." (§217.1)
 - b) "The District needs both residential and non-residential growth to survive. Non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income." (§217.4)

- c) "Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs." (§217.6)
- d) "Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality." (§217.7)

2. Increasing access to education and employment

"An economically strong and viable District of Columbia is essential to the economic health and well being of the region. Thus, a broad spectrum of private and public growth (with an appropriate level of supporting infrastructure) should be encouraged. The District's economic development strategies must capitalize on the city's location at the center of the region's transportation and communication systems." (§219.2)

B. Framework element – the Land Use Maps

- 1. The Future Land Use Map (see excerpt of the Map and legend, following) – includes property in Institutional category ("Includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions.")
- 2. Most Institutional designations are the result of university campuses where change and infill is expected to occur consistent with campus plans. (§223.22)
- 3. The Future Land Use Map does not show density or intensity on institutional and local public sites. If a change in use occurs, the new designations should be compatible in density or intensity to those in the vicinity, unless otherwise stated in the Area Elements or an approved Campus Plan. (§226.1)
- 4. The Generalized Policy Map purpose "is to categorize how different parts of the District may change between 2005 and 2025" (§223.1)
- 5. Generalized Policy Map designates subject property as Institutional

Foggy
Bottom-
GWU

M

ST

ST
NW

NW

1ST NW

ST NW

NW

ST

21ST

ST

PENNS

G

ND

F

ST

ST

NW
NW

LEGEND

Residential Land Use Categories



Low Density Residential

Defines the District's single family neighborhoods. Single family detached and semi-detached housing units with front, back, and side yards are the predominant uses.



Moderate Density Residential

Defines the District's row house neighborhoods as well as its low-rise garden apartment complexes. Also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some older inner city neighborhoods with this designation there may also be existing multi-story apartments.



Medium Density Residential

Defines neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. This designation also may apply to taller residential buildings surrounded by large areas of permanent open space.



High Density Residential

Defines neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas.

Commercial Land Use Categories



Low Density Commercial

Defines shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. Areas range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings.



Moderate Density Commercial

Defines shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas range from small business districts that draw primarily from the surrounding neighborhoods to larger business district uses that draw from a broader market area. Buildings are larger and/or taller than those in low density commercial areas but generally do not exceed five stories in height.



Medium Density Commercial

Defines shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height.



High Density Commercial

Defines the central employment district of the city and other major office employment centers on the downtown perimeter. Characterized by office and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings (including historic buildings) are interspersed.



Production, Distribution, and Repair

This category defines areas characterized by manufacturing, warehousing, wholesale and distribution centers, transportation services, food services, printers and publishers, tourism support services, and commercial, municipal, and utility activities which may require substantial buffering from noise-, air pollution- and light-sensitive uses such as housing. This category is also used to denote railroad rights-of-way, switching and maintenance yards, bus garages, and similar uses related to the movement of freight, such as truck terminals.

Public and Institutional Land Use Categories



Federal

Includes land and facilities owned, occupied and used by the federal government, excluding parks and open space. Uses include military bases, federal government buildings, the International Chancery Center, federal hospitals, and similar federal government activities. The "Federal" category generally denotes ownership rather than use. Land with this designation is generally not subject to zoning.



Local Public Facilities

Includes land and facilities occupied and used by the District of Columbia government or other local government agencies (such as WMATA), excluding parks and open space. Uses include public schools including charter schools, public hospitals, government office complexes, and similar local government activities. Because of the scale of this map, local public facilities smaller than one acre—including some of the District's libraries, police and fire stations, and similar uses—may not be shown.



Institutional

Includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. Because of the scale of this map, smaller institutional uses such as churches are generally not shown unless they are located on sites that are several acres in size.



Parks, Recreation, and Open Space

Includes the federal and District park systems, including the National Parks, the circles and squares of the L'Enfant city and District neighborhoods, the National Mall, settings for significant commemorative works, certain federal buildings such as the White House and the US Capitol grounds and museums, and District-operated parks and associated recreation centers. It also includes permanent open space uses such as cemeteries, open space associated with utilities such as the Dalecarlia and McMillan Reservoirs, and open space along highways such as Suitland Parkway. This category includes a mix of passive open space (for resource conservation and habitat protection) and active open space (for recreation).

Mixed Land Use



Areas where the mixing of two or more land uses is encouraged are shown using striped patterns. The colors of the stripes correspond to the specific land uses. The general density and intensity of development within a Mixed Use area is determined by the specific mix of uses. If the desired outcome is to emphasize one use over the other (for example, ground floor retail with three stories of housing above), the map may indicate the dominant use by showing it at a slightly higher density (in this case, "Moderate Density Residential/ Low Density Commercial"). The Comprehensive Plan Area Elements may also provide additional detail on the specific mix of uses envisioned.



Water Bodies



Metro Stations



Metro Lines

6. Maps are intended to provide generalized guides for development and conservation decisions (§226)
 - a) Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards
 - b) By definition, Map is to be interpreted broadly
 - c) Future Land Use Map is generalized depiction of intended uses in the 20 year horizon
 - d) Densities within any given area are across-the-board; individual buildings may be higher or lower
 - e) Zoning is guided by the Future Land Use Map, interpreted in conjunction with the text of the Plan, including citywide elements, area elements and approved small area plans

C. Land Use element

1. Overall goal:

"Ensure the efficient use of land resources to meet long-term neighborhood, city-wide, and regional needs; to help foster other District goals, to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries." (§302.1)

2. Policies and Actions

a) Policy LU-1.3.2: Development Around Metrorail Stations:

Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas." (§306.11)

b) Policy LU-2.1.4: Rehabilitation Before Demolition:

In redeveloping areas characterized by vacant, abandoned, and underutilized older buildings, generally encourage rehabilitation and adaptive reuse of existing buildings rather than demolition. (§309.9)

D. Economic Development element

1. Overall goal

"Strengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy." (§701.1)

2. Policy ED-2.1.1: Office Growth:

Plan for an office sector that will continue to accommodate growth in government, government contractors, legal services, international business, trade associations, and other service-sector office industries. The primary location for this growth should be in Central Washington and in the emerging office centers along South Capitol Street and the Anacostia Waterfront. (§707.5)

3. Policy ED-2.1.5: Infill and Renovation:

Support the continued growth of the office sector through infill and renovation within established commercial districts to more efficiently use available space while providing additional opportunities for new space. (§707.9)

E. Urban Design element

1. Overall goal:

"Enhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces." (§901.1)

2. Policy UD-2.1.4: Architectural Excellence: Promote excellence in the design of Downtown buildings and landscapes. Particular attention should be focused on ground floor (street) levels, with greater architectural details used to improve visual image. (§909.10)

F. Historic Preservation element

1. Overall goal:

"Preserve and enhance the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historic physical form of the city and the enduring value of its historic structures and places, recognizing their importance to the citizens of the District and the nation, and sharing mutual responsibilities for their protection and stewardship" (§1001.1)

2. Policy HP-2.4.1: Rehabilitation of Historic Structures: Promote appropriate preservation of historic buildings through an effective design review process. Apply design guidelines without stifling creativity, and strive for an appropriate balance between restoration and adaptation suitable from the particular historic environment. (§1011.4)
3. Policy HP-2.4.2: Adaptation of Historic Properties for Current Use: Maintain historic properties in their original use to the greatest extent possible. If this is no longer feasible, encourage appropriate adaptive uses consistent with the character of the property. (§1011.5)
4. Policy HP-2.4.3: Compatible Development: Preserve the important historic features of the District while permitting compatible new infill development. ... Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail. (§1011.6)

X. George Washington University Campus Plan

- A. Current Foggy Bottom Campus Plan: 2006-2025 approved by Zoning Commission pursuant to Order No. 06-11/06-12
- B. Denotes H Street as the primary "campus street" with active pedestrian traffic between academic and student-focused facilities and open spaces
- C. Subject site not included in development sites of Campus Plan

- D. Southeast corner of Square 101, to the east of subject site, designated for mixed-use campus building (Site 101A) and rezoning to C-3-C with development proposed at 7.5 FAR

XI. Other standards applicable to change of zoning

A. Health, safety and general welfare:

- 1. Use, height and bulk of permitted development under C-3-C would be consistent with permitted use, height and bulk on adjacent property
- 2. C-3-C applies/will apply to adjoining property to the North and East
- 3. Rezoning represents 35 foot extension of adjacent zoning to the east

B. Creation of favorable conditions

- 1. Proposed development compatible with vicinity in terms of use, height, and density (See Range of Building Heights plan, following)
- 2. Stability of values assured by applying zoning that is consistent with zoning applicable to properties in the immediate area

XII. Compatibility with the area

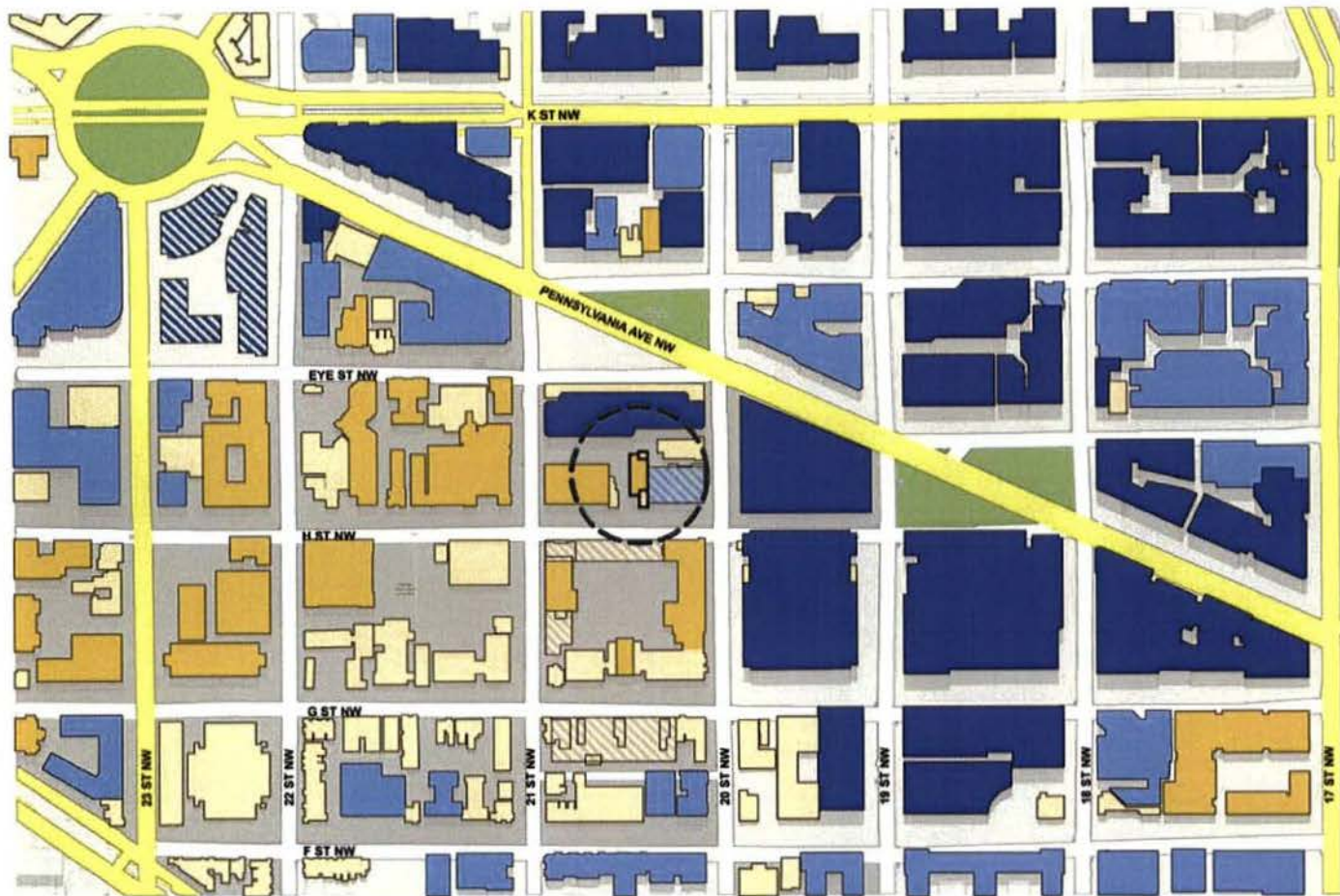
A. Use is consistent with the non-residential character of the vicinity (see Building Uses plan, following):

- 1. Only 6.5% of the area included in the subject square and all surrounding and confronting squares south of Pennsylvania Avenue is devoted to residential (five GW University dormitories and one privately owned condominium apartment house)
- 2. 93.5% percent of that area is devoted to non-residential uses (primarily office, retail and university uses)

B. Adaptive reuse of 1888 structures

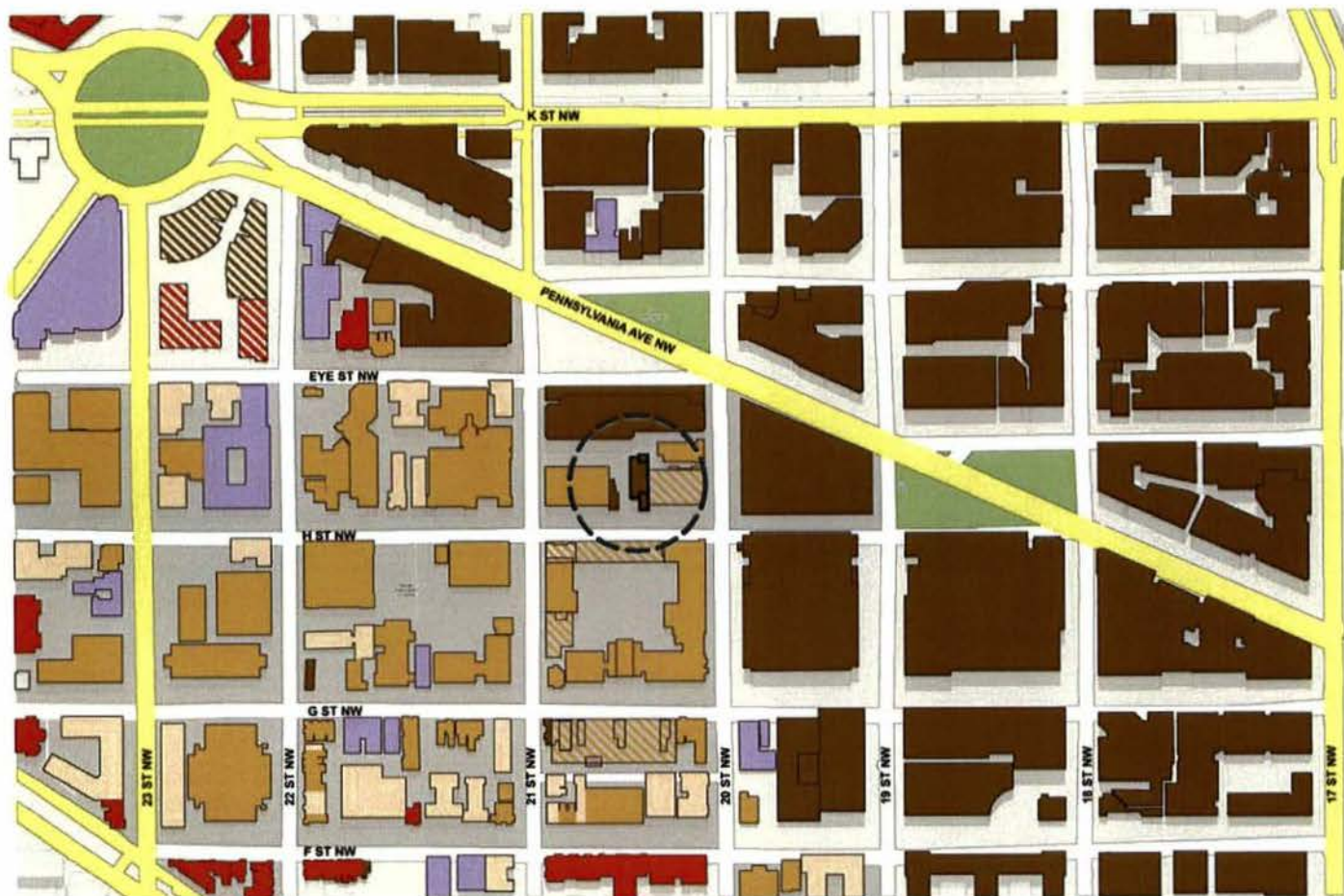
C. Height and bulk are consistent with those existing or approved in vicinity

D. Project provides a step-down in height and bulk from non-University high-density commercial uses to east and to the north across Pennsylvania Avenue to University and lower scale development to the south and west



RANGE OF BUILDING HEIGHTS

- LOW RISE
0 - 65 FEET
- MID RISE
65 - 85 FEET
- HIGH RISE
85 - 110 FEET
- OVER 110 FEET
- FUTURE
BUILDINGS
- PROPOSED
SITE



BUILDING USES

- RESIDENTIAL
- GWU RESIDENTIAL
- GWU ACADEMIC/ SUPPORT
- OFFICE / RETAIL
- OTHER
 - HOSPITAL
 - FIRE STATION
 - CHURCH
 - HOTEL
 - PARKING GARAGE
 - HIGH SCHOOL
- FUTURE BUILDINGS
- PROPOSED SITE

XIII. Conclusions

- A. Application for rezoning meets tests under Zoning Act**
- B. Change in zoning is not inconsistent with the Comprehensive Plan**
- C. Height and bulk will not be obtrusive nor will it cause any adverse affect on any nearby properties**
- D. Design of project reviewed by Historic Preservation Review Board based on proposed Historic District; concept approval obtained**
- E. Application for rezoning should be approved**