

**APPLICATION OF
THE HSC FOUNDATION
FOR A
ZONING MAP AMENDMENT
FROM
R-5-D DISTRICT TO C-3-C DISTRICT**

**2013 H STREET, NW
(Square 101, Lot 874)**

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HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, NW
Suite 100
Washington, DC 20006
(202) 955-3000
Wayne S. Quin
Dennis R. Hughes

ZONING COMMISSION
District of Columbia

CASE NO. 08-19

EXHIBIT NO. 2
ZONING COMMISSION
District of Columbia
CASE NO. 08-19
EXHIBIT NO. 4

I.

INTRODUCTION

This statement is submitted on behalf of the HSC Foundation (the "Foundation" or the "Applicant") in support of its application to the District of Columbia Zoning Commission to extend the C-3-C Zoning District to include premises 2013 H Street, NW (Lot 874 in Square 101, the "Property"), presently zoned R-5-D. The Applicant, the parent organization for the HSC Pediatric Center and Health Services for Children with Special Needs, Inc., is the record owner of the Property. The existing improvements on the Property are currently utilized for non-residential purposes as a permitted non-conforming use in the R-5-D district. The proposed Zoning Map change will facilitate continued non-residential use of the Property at an increased density, in keeping with the surrounding existing and proposed development. The increased density and non-residential use is compatible with the immediately surrounding land use at the Foggy Bottom campus of George Washington University ("George Washington" or the "University"), including the future land use plans of the University as set forth in its most recently adopted Campus Plan, Map Amendment and Planned Unit Development ("PUD") (Zoning Commission Cases 06-11 and 06-12). The proposed Zoning Map amendment is not inconsistent with the Comprehensive Plan for the National Capital. The Applicant has met with representatives of the District of Columbia Office of Planning, including the District's Historic Preservation Office, regarding the Property. Both offices have indicated support for the Applicant's proposed redevelopment of the Property.

The stated mission of the HSC Foundation is to facilitate access to appropriate services for individuals with special needs and their families in the Washington metropolitan area, and to participate in related local, regional and national projects with government, private and philanthropic organizations. The Foundation traces its roots to the 1880s, with the founding of the Children's Country Home, which provided temporary housing to needy children, often those convalescing from disease or surgery, referred by local church groups. That organization continued to expand, both physically and in the scope of services it provided needy children and families in the Washington area, such that, by the 1960s, the institution, by then including a hospital, changed its name to the Hospital for Sick Children and opened a modern 80-bed addition, known today as the HSC Pediatric Center. By the 1980s, the institution, intent on meeting the short and long term needs of local children, established the HSC Foundation to ensure sound fiscal management and to grow philanthropic revenues over time. Among the efforts was the Foundation's creation, in the mid-1990s, of a managed care organization for children with disabilities, designed to ease the transition of children out of hospital and into outpatient and home care environments. The outgrowth of this effort was the incorporation of Health Services for Children with Special Needs, Inc. (HSCSN), to develop a national model of managed care services for children and youth. In 2006, the Foundation broadened its service audience to individuals of all ages with disabilities.

II.
EXHIBITS IN SUPPORT OF THE APPLICATION

The Applicant submits the following exhibits in support of the application and this statement:

- A. Surveyor's Plat for the Property;
- B. Portions of the Baist and Sanborn Atlas Maps showing the Property;
- C. Portion of the Generalized Policy Map, adopted as part of the Comprehensive Plan, showing the Property;
- D. Portion of the Future Land Use Map, adopted as part of the Comprehensive Plan, showing the Property;
- E. Copy of Zoning Commission Order No. 06-11/06-12, including mapping for proposed Foggy Bottom Campus Historic District;
- F. Portion of the Zoning Map showing the Property;
- G. Architectural plans showing proposed renovation and expansion of the improvements on the Property.

III.
DESCRIPTION OF THE PROPERTY

This application seeks to extend the boundaries of the C-3-C District in Square 101 from the north and east to include the Property, which is located mid-block on the north side of H Street, NW, between 20th and 21st Streets, NW. The Property has a comparatively small footprint for properties in its vicinity, totaling approximately 5,373 square feet of land area, and is one of only a few properties within the square not owned by the University. As shown on the attached building plat issued by the District of Columbia Office of the Surveyor, the Property is rectangular in shape and has approximately 36 feet of frontage along H Street and

a depth of approximately 150 feet.(Exhibit A). The Property is located within the boundaries of Advisory Neighborhood Commission 2A.

The Property is improved with a three-story-plus-cellar masonry town house building with an accessory two-story masonry carriage house/garage at its rear, both of which appear to have been constructed in the late nineteenth century (circa 1888). Along H Street, the building measures approximately 37 feet in height. The main building has a footprint of approximately 1,262 square feet, with a resulting building gross floor area of approximately 4,483 square feet. The garage occupies a footprint of approximately 871 square feet and a gross floor area of 1,742 square feet. The resulting total gross floor area for the existing improvements on the Property is approximately 6,225 square feet.

These improvements typify town house construction in the District of Columbia during the turn of the twentieth century: double-bay, three-story massing fronting the public right-of-way, reducing to a narrower, two-story massing in the less public, rear portions of the building, resulting in a roughly L-shaped footprint for the building. As shown on the excerpt of the Sanborn Atlas attached as Exhibit B, the existing improvements abut the eastern property line of the Property, leaving roughly the western half of the Property vacant and unimproved. Given the nature of town house development, the building has no fenestration along any of its eastern side, nor along the three-story section of the building's western elevation, which maintains a three-story height.

In decades past, the main building and carriage house were converted to office uses and have continued to be utilized as such pursuant to certificates of occupancy issued by the District of Columbia. Along with the bulk of property in Square 101, the Property is designated for Institutional uses on the District of Columbia Comprehensive Plan Future Land Use Map and Generalized Policy Map. The remainder of Square 101 to the north is designated for High Density Commercial uses.(Exhibits C and D).

The Property is also one of a number of properties located within the proposed boundaries of a contemplated "Foggy Bottom Campus Historic District", which district is the result of a proffer made by the University in its pursuit of approval of its Campus Plan/PUD/Map Amendment application in Zoning Commission Cases No. 06-11 and 06-12.(Exhibit E). As part of the Commission's approval of its applications, the University agreed to file an application with the District of Columbia Historic Preservation Review Board (HPRB) to: (1) achieve the designations of University-owned individual landmarks identified in the Historic Preservation Plan submitted by the University; and (2) work with the District's Historic Preservation Office (HPO) in the preparation of documentation to be filed with said office supporting designation of a proposed Foggy Bottom Campus Historic District, again as identified in the University's Historic Preservation Plan submitted as part of its applications to the Zoning Commission. The Property is one of a number of properties that are not owned by the University but which have been identified by the University and HPO for inclusion in the proposed historic district

serving as a proffer in support of the University's re-zoning and campus plan applications.

The HPRB has not yet designated the proposed Foggy Bottom Campus Historic District pursuant to the applicable provisions of D.C. Law 2-144, the District of Columbia Historic Landmark and Historic Protection Act of 1978. Nonetheless, the Applicant is working closely with HPO staff in developing its massing and design plans for an addition to the Property and the existing improvements, even though the Property is not currently designated. As appropriate, the Applicant also commits to pursuing advisory review by the HPRB of its building plans prior to formal designation of the proposed historic district.

IV. DESCRIPTION OF THE SURROUNDING AREA

Square 101 is bounded by I Street to the north, 20th Street to the east, H Street to the south, and 21st Street to the west. The square is split-zoned R-5-D and C-3-C. (Exhibit F). The C-3-C zoning occupies roughly the northern half of the square, along the entire I Street frontage, and also in the southwest and southeast corners of the square, all pursuant to Map Amendment and PUD approvals of the Zoning Commission, as detailed below.

The Property is within the Foggy Bottom campus of George Washington University. The property (record Lot 58) to the north of the Property is zoned C-3-C and is improved with an eleven-story commercial building owned by the University, which was constructed pursuant to a Zoning Map amendment and PUD approved in

1981 (Zoning Commission Case No. 80-11C, Order Nos. 339 and 348). This property is designated for High Density Commercial uses on the District of Columbia Comprehensive Plan Future Land Use Map.

To the immediate east of the Property is a surface parking lot, also owned by the University, which extends to the corner of H Street and 20th Street, NW. This property, record Lot 60 in Square 101 (which also appears to include a part of the former public alley system in the square that wraps around and abuts the Property to the north) has been designated by the Zoning Commission for rezoning to C-3-C from R-5-D pursuant to the Commission's recent approval of Zoning Map amendments, PUD and Campus Plan amendments in Cases Nos. 06-11 and 06-12. According to that recent approval, the University intends to construct a multi-story, 90-foot building on that site to be devoted to academic/administrative/medical building or residential/campus life/athletic uses.

To the immediate west of the Property is vacant land owned by the University, which is landscaped and paved for pedestrian passage to and from the office building on Lot 58, and further west is a three-story building utilized for office purposes by the Bureau of Catholic Indian Missions. These properties are zoned R-5-D.

At the southwest corner of Square 101, occupying the northeast corner of the intersection of 21st and H Streets, NW, Lot 880 is improved with a six-story building utilized by the University and the Greater Washington Education Telecommunications Association for educational and broadcasting purposes.

Construction of this building was facilitated by a Zoning Map amendment from R-5-D to C-3-C, and related PUD, approved by the Zoning Commission pursuant to Case No. 93-9C, Order No. 749-A.

As the Zoning Commission found in Case No. 93-9C, "the area surrounding the site is primarily developed with institutional and commercial uses... University Yard is situated directly across H Street to the south of the site. The University's Lisner Auditorium is located on the southwest of the corner of the intersection of H and 21st Streets ... and the University's Marvin Center is located directly across 21st Street from [Square 101]."

Immediately south of the Property, across H Street, NW, is University Yard, a landscaped open space occupying the core of Square 102. Pursuant to the Zoning Commission's recent approval of Zoning Map amendments, PUD and Campus Plan amendments in Cases Nos. 06-11 and 06-12, the University intends to reduce the footprint of University Yard by enclosing it through construction of at least two new buildings in Square 102. One of those buildings, designated as Site 102A on the University's development plan, will be constructed over what is now open space immediately across from the Property and will measure approximately 65 feet in height and 80,000 square feet of gross floor area devoted to the University's academic, administrative and/or medical uses.

The Property is located approximately three blocks from the Foggy Bottom and Farragut North Metrorail Stations.

V.
EXISTING AND PROPOSED ZONING

A. Existing R-5-D District

As shown on the copy of the Zoning Map attached as Exhibit F, although adjacent to existing and designated C-3-C zoning, the Property is located in the R-5-D District. This zone classification permits multiple dwelling residential buildings and other compatible uses to a maximum building height of ninety feet and a maximum building density of 3.5 floor area ratio (FAR). Lot occupancy in the R-5-D District is restricted to 75 percent. Office use is not included within the generally permitted uses in the R-5-D District.

B. Proposed C-3-C District

The Applicant requests rezoning of the Property to C-3-C, consistent with properties to the immediate north and as designated for rezoning east of the Property. The C-3-C District is a commercial district that permits medium-high density development, including office, retail, housing, and mixed-use development. Buildings in the C-3-C District may be constructed to a maximum height of 90 feet and maximum building density of 6.5 FAR as a matter of right. Buildings in the C-3-C districts may also occupy up to 100% of the lot on which they are situated.

C. The Effect of Rezoning on the Property

The proposed Map Amendment to C-3-C will facilitate use of the Property for office purposes and increased density more compatible with the surrounding University office and institutional buildings in Squares 101 and 102. As noted above, the Applicant proposes to construct a sensitive addition to the existing

building, in consultation with HPO and HPRB. As evidenced in the concept drawings for the proposed renovation and expansion included as Exhibit G, the most public and character-defining portion of the existing town house, the H Street façade and three-story public frontage of the building, would be retained and preserved in its entirety. Portions of the existing carriage house/garage will also be retained and incorporated into the new construction to allow for interpretation from the exterior of the building and from the interior. Integrated behind the retained three-story volume at the front of the site, the Applicant proposes construction of a seven-story + cellar office building, measuring approximately 86 feet tall. The total improvements would total approximately 29,800 square feet on the 5,373 square foot lot, resulting in a building density of approximately 5.55 FAR, less than the 6.5 FAR allowed in the C-3-C Districts. Given the comparatively small size of the project, no off-street loading is required to be provided on site, however, the Applicant proposes a single delivery space at the rear of the site. Approximately sixteen off-street parking spaces would normally be required to be provided for the Project. Given the very tight site restraints, including efforts by the Applicant to retain portions of the existing carriage house, proximity to public transportation and comparatively very low impact of the proposed construction, the Applicant will pursue relief from the Board of Zoning Adjustment related to the parking requirements of Chapter 21 of the Zoning Regulations.

The Applicant's long range planning includes utilization of the redeveloped Property for the expanded headquarters for Foundation operations, once the

proposed improvements are constructed on the Property and the Foundation's current lease obligations expire.

The rezoning of the property to C-3-C is consistent with and furthers the policies set forth in the Comprehensive Plan, including the District's general policy in support of general strengthening of the established urban core through new infill development, and the more specific policy of avoiding sharp contrasts in height and bulk between George Washington campus and the surrounding community. The present request is not inconsistent with the designation of Square 101 for Institutional Uses on the Future Land Use Map. As the Zoning Commission is aware, and the guidelines for the Future Land Use Map remind, this map is to be interpreted broadly and is not parcel-specific. Given the extensive real estate holdings of the University surrounding the Property in Squares 101 and 102, among others, along with the mixture of office, institutional and retail uses throughout said properties, the Institutional Use classification is not unexpected or inappropriate.

As the Commission found in prior Map Amendment applications for properties in Square 101, rezoning from R-5-D to C-3-C is not inconsistent with the Comprehensive Plan. Most recently, the Commission has approved the University's request for map amendment (along with PUD and campus plan review) of the immediately adjacent site to the east of the Property, land which is currently vacant and utilized as a surface parking lot. In Order Nos. 06-11/06-12, the Commission found the proposed rezoning of that land, along with other nearby University-owned

properties (locations the Commission referred to as the "central core of the campus"), to be consistent with numerous major themes and elements of the Comprehensive Plan (especially those respecting and improving the physical character of the District of Columbia) as well as with current zoning in the immediate vicinity.

This supportive position for rezoning of properties within Square 101 to C-3-C is likewise reflected in the approved Map Amendment and PUD involving the University building developed on Lot 880, which facilitated development of a seven-story, approximately 5.3 FAR building. In its support of that requested map amendment, the Office of Planning reminded the Zoning Commission of the soft-edge nature of the Generalized Land Use Map (now "Future Land Use Map") and further reported that the change of zoning to C-3-C would be comparable to the abutting property to the north (2000 Pennsylvania Avenue, PUD development on Lot 58). So much more the case today, where the Property is essentially surrounded in Square 101 by higher density mixed commercial development either in existence (Lots 58 and 880, to the north and west, respectively) or in design (Lot 60, to the immediate east and north).

VI.

STANDARDS APPLICABLE TO AN APPLICATION FOR A ZONING MAP AMENDMENT

The Zoning Act sets forth the criteria which the Zoning Commission must apply in adopting and amending the Zoning Map of the District of Columbia. Section 6-421.01 of the D.C. Code states that the purposes of the regulations are to

"promote the health, safety, morals, convenience, order, prosperity or general welfare of the District of Columbia and its planning and orderly development as the national capital." Section 6-641.02 provides that "[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital." The Zoning Commission applies these standards and criteria in determining whether to approve a requested map amendment. As set forth below, the proposed zoning of the property to C-3-C meets the standards for approval.

VII. EVALUATION OF THE PROPOSED MAP AMENDMENT AND COMPLIANCE WITH STATUTORY STANDARDS

The proposed rezoning of the Property from R-5-D to C-3-C meets the standards for approval.

A. Comprehensive Plan

The rezoning to C-3-C is "not inconsistent with the Comprehensive Plan" is in fact consistent with a number of policies set forth in Near Northwest Area Element as well as a number of District goals and policies established in the citywide elements of the Comprehensive Plan.

1. Near Northwest Area Element

The thrust of that portion of the Near Northwest Area Element devoted to the Foggy Bottom/West End neighborhood is in balancing the needs of the University with other property owners/stakeholders within the Foggy Bottom/West

End area. While the focus of these efforts is primarily to establish some greater control of the University's development and expansion (through the campus plan approval process) and improved dialogue between the University and the surrounding community, the Element also suggests that consideration be given to the concept of increasing density (or "building up") on the George Washington campus for future space and facility needs provided steps are taken to avoid sharp contrasts in height and bulk between the Campus and neighboring properties. Whereas in many cases that suggestion might involve a diminution in height, bulk and density of University buildings to comport with neighboring lower density properties, the Property is confronted with essentially the opposite situation. University-owned buildings measuring eight to eleven stories tall have already been constructed and tower over the Property and yet other high-rise, dense buildings are planned to be added by the University immediately adjacent to and opposite the Property and its current very low scale improvements. Thus, the Applicant's proposal to increase the density available to the Property is consistent with the District's established policy of mitigating sharp contrasts in height and bulk between campus buildings and neighboring properties, as established in Policy NNW 2.5.3 of the Comprehensive Plan.

B. Health, Safety and General Welfare

The proposed map amendment from R-5-D to C-3-C would further the health, safety and general welfare of the District of Columbia by facilitating sensible infill redevelopment of a property that has long been approved and utilized for

commercial purposes which is immediately surrounded by high density mixed commercial and institutional uses, either constructed or in planning stages. The approval of the requested Map amendment will support the District's policy of mitigating sharp contrasts between campus and neighboring buildings, will utilize existing infrastructure, and will involve reinvestment in an established business district.

C. No Overcrowding of Land

Rezoning of the Property to C-3-C would not result in the overcrowding of land or the undue concentration of population. The Property is comparatively very small in footprint, and the proposed redevelopment will be undertaken to be compatible with, and not overwhelm, the scale of the existing building fronting along H Street, NW. Green space will also be preserved along H Street and to the west of the existing town house, further deemphasizing the building's massing along public rights-of-way.

D. No Objectionable Traffic Conditions

Redevelopment of the Property consistent with the proposed Map amendment will not create any objectionable traffic conditions. The Property is located approximately three blocks from both the Foggy Bottom and Farragut North Metrorail Stations and is also well served by MetroBus. The Applicant has engaged Wells and Associates to conduct a detailed traffic analysis for the site,

which the Applicant will provide to the Commission prior to a public hearing of the application.

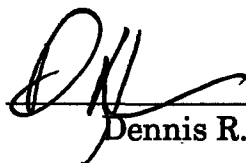
VIII. **CONCLUSION**

For the reasons stated herein, the Applicant requests approval of the subject application to amend the Zoning Map from R-5-D to C-3-C. The rezoning furthers the stated policies of the Comprehensive Plan and is consistent with the existing and proposed land uses identified in the Future Land Use Map of the Comprehensive Plan. The rezoning will promote and improve the orderly development of land in conformity with the District of Columbia zone plan as embodied in the Zoning Regulations, the Zoning Map and the Comprehensive Plan. Accordingly, the Applicant respectfully requests that the Zoning Commission set this application for public hearing at its earliest opportunity and approve the proposed map amendment.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: 
Whayne S. Quin

By: 
Dennis R. Hughes