

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO.324
CASE NO. 80-7C
NOVEMBER 13, 1980

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on September 29, 1980. At this hearing session, the Zoning Commission considered an application from the District of Columbia Redevelopment Land Agency for approval of a consolidated Planned Unit Development under the provisions of Sub-section 7501.32 of the Zoning Regulations. No change of zone is requested.

FINDINGS OF FACT

1. The subject application is a request for consolidated review and approval of a Planned Unit Development (PUD) on Lots 14, 15, 801-812, 815, 820-831, and a public alley to be closed, all in Square 563. Also included with the original application was a request for use of public space over a portion of 2nd Street, between "H" Street and Massachusetts Avenue, N.W. Together the applications provided for an office building to be built and occupied by the Union Labor Life Insurance Company.
2. Originally, the applicants requested a hearing for a PUD combined with the Use of Public Space over a portion of 2nd Street, N.W. When the Zoning Commission reviewed that request at its meeting of July 10, 1980 to determine whether the matter should be set for hearing, the Commission indicated that it had some difficulties with the use of public space as the building was then designed. The applicants, in response to the Commission's decision, amended the application to withdraw the request for approval of the use of public space. Thus the proposal now before the Commission is for a consolidated PUD review for a building 101 feet high, with 6.5 FAR in the C-3-C District.

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3. The site consists of the entire Square 563, also known as Parcel 44 in the Northwest No. 1 Urban Renewal Area, which is bounded by Massachusetts Avenue, New Jersey Avenue, "H" Street and 2nd Street, N.W., and included 35,336 square feet. The property is presently owned by the District of Columbia Redevelopment Land Agency and it is proposed to be developed by the Union Labor Life Insurance Company as its headquarters building. The site is located between the two broad Avenues, each 160 feet in width, and the Center Leg Freeway area, is relatively flat and is at a lower elevation than the Capitol, Union Station or Mt. Vernon Square. The adjacent squares are presently developed with parking lots, the Freeway and parks.
4. The site is currently zoned C-3-C which permits a high bulk business and employment center for office and retail commercial uses to maximum floor area ratio of 6.5 and a maximum height of ninety feet. Additional height and density may be permitted by the Zoning Commission under the Planned Unit Development process.
5. The application does not request a change in the C-3-C zoning nor an increase in the permissible FAR of 6.5. It is a request for an increase in the height to permit flexibility of design within the 6.5 FAR limitation and permit the building mass to be articulated to enhance the exterior of the building and improve the quality of the interior space. The increased height is appropriate for this site lying as it does between Massachusetts Avenue and New Jersey Avenue, both of which are 160 feet in width.
6. The proposed building would occupy the entire square and the eleven foot height increase permits a superior design solution, which has been achieved. The 101 foot building height permits an eight story building and provides a flexibility to shape the building to create amenities, both exterior and interior. The provision of courts on the Massachusetts Avenue, New Jersey Avenue and 2nd Street frontages of the building enhances the exterior of the building by relieving and adding interest to the facades. The courts also enhance the interior of the building by reducing the distances from central areas to window exposure.
7. Development on the site is governed by both the Zoning Regulations and the Urban Renewal Plan for Northwest No. 1 Urban Renewal Area, which Plan is presently being modified to permit a maximum height of 120 feet.

8. The development proposes 293 parking spaces in the second and third cellars, of which 157 spaces will be within the site and 136 will be in vault space. Four loading berths are proposed to be located on the ground floor.
9. The Redevelopment Land Agency acquired the site during the 1960's and it has been available for development for about ten years. The RLA now has selected the subject applicant as the developer for disposition parcel 44 to proceed in accordance with the Urban Renewal Plan. Amended urban renewal standards were considered and approved by the National Capital Planning Commission on June 26, 1980. The Council of the District of Columbia Committee on Housing and Economic Development reported favorably on the changes on September 10, 1980 and the first reading of the Renewal Plan Amendments was scheduled for October 14, 1980.
10. The architect for the applicant, Vlastimil Koubek, testified that the design of the proposed project, including the urban design concepts employed, will provide a superior environment due to the quality of materials used and the design and provision of amenities in the building. Mr. Koubek also testified that the building should not be set back above the ninety foot height, and that a straight facade would present a better appearance. He supported this position by pointing out the topographic depression in Massachusetts Avenue at the subject site and the isolation of the site in relation to other buildings existing or expected to be built in the area. Mr. Koubek concluded by stating that he was in agreement with the DOT report dated September 24, 1980, which recommended 293 total parking spaces and three loading berths, one for large trucks and two for smaller trucks. The Commission agrees with the findings and conclusions of Mr. Koubek.
11. Arthur Fawcett, city planner for the applicant, testified concerning the relationship of the project to Article 75 of the Zoning Regulations and compliance with the various Sub-sections of the regulations. He also commented on project planning and urban design; the relationship to the Urban Renewal Plan and the Goals and Policies Act; and related the project to public facilities. Mr. Fawcett also stated that the proposal to set-back the building above the ninety foot height may be too rigid for this situation. The Commission finds that the application meets the final requirements of Article 75 as set forth in the regulations.

12. Louis P. Robbins, attorney for the applicant summarized the traffic engineer's written testimony. Mr. Robbins stated that the nearest Metro station is about 1600 feet away at Union Station, thus making it attractive for employees to utilize the metro system for trips to and from work. He also stated that the proposed building would not create any traffic circulation problems for the area. Based on the written report of the applicant's traffic expert and the report of the DOT, the Commission agrees with the comments of Mr. Robbins.
13. Daniel O' Sullivan, President of the Union Labor Life Insurance Company testified that eighty percent of the clerical staff and fifty per cent of the management employees of his company now lives in New York City. The Company does not expect most of the clerical employees to move to the Washington, D.C. area and has thus developed a severance pay plan for employees who do not choose to move. Mr. O' Sullivan also stated that if the company relocates in the District, their overall operation is expected to accelerate both in growth and number of employees. Thus the company is committed to training and employing District residents to replace those employees who would remain in New York, should the application be granted. The Commission finds that the application would be beneficial to the District of Columbia in terms of providing a substantial number of new jobs and the benefits associated with additional new employment in the city.
14. The Office of Planning and Development by report dated September 19, 1980, and by testimony presented at the public hearings recommended conditional approval of the application. The Office of Planning and Development believes that the proposed development in this case is consistent with the intent and purpose of:
 - a. The amended plan for the Northwest No. 1 Urban Renewal Area;
 - b. The proposed amendment of the Zoning Regulations and Maps now pending before the Commission in the Hotel Incentive District Case Nos. 80-3 and 80-4, and;
 - c. Article 75 of the Zoning Regulations.

The OPD further noted that if approved this project will provide initial employment for 400 persons and ultimately induce jobs for close to 1,800 persons. As an insurance company headquarters the facility would employ a relatively high proportion of clerical personnel.

These jobs would be of significant benefit to the District of Columbia, both for its residents and for its effect on the tax base of the city.

The OPD also believed that the proposed development will make an important contribution to the revitalization of the east end of downtown. Therefore, OPD recommended approval of the application subject to the following:

- a. The design of the building should be modified to comply with the setback above the 90 foot height.
 - b. The loading berths should be modified to comply with the intent as well as the letter of the Zoning Regulations.
 - c. The applicants should clarify the amount of retail space to occupy the ground floor so that, among other things, the parking requirements can be established.
 - d. The need for the proposed 293 parking spaces should be established to the satisfaction of the Department of Transportation and the Zoning Commission.
15. As to recommendations of the OPD, the Commission finds that the arguments presented by the applicant, as set forth in Finding of Fact No. 10, are persuasive, and that the building need not be set back at the ninety foot level. The applicant submitted revised plans for the loading berth area, marked as Exhibit No. 36, showing the location of loading berths to provide on-site maneuvering room and the elimination of one of the berth. The Department of Transportation, report, as set forth in Finding of Fact No. 16, also, found that the number of parking spaces proposed is acceptable.

16. The Department of Transportation, by report dated September 24, 1980 and by testimony presented at the public hearing reported that the planned 293 parking spaces are acceptable based on the need for at least 230 spaces plus visitor parking. The Department also stated that the loading berth design can be improved and suggested that the number of berths could be reduced to three including one for large trucks and two for small trucks. This would make it possible for the small trucks to maneuver within the building and the large trucks, which come to the building less frequently, could back into the building. The Commission concurs with the findings of the D.O.T.
17. At the public meeting held on October 9, 1980, the Commission reviewed several granite and glass samples of different shades and colors. These samples were requested by the Commission at the September 29, 1980 public hearing for the purpose of allowing the Commission to have a greater range of color selections in order to provide the most compatible type of building materials for the area. After discussing the question of building facade types and glass, the Commission determined that the final selection of granite and glass would be determined by Chairman Mariani as to shade and degree of the grey color required by the Commission, before issuance of building permits.
18. Charles Richardson, representing Advisory Neighborhood Commission - 2C, by letter dated July 3, 1980 reported that his ANC supported the application as requested. He added however, that the ANC would desire to have the opportunity to participate in an affirmative action program aimed at recruiting and training under privileged District persons for employment within the applicants operation should the application be granted.
19. Henry Austin, representing the Central City Community Corporation, stated at the public hearing that the Board of Directors of his organization voted to support the application as filed. He also requested that his organization be allowed to participate in any affirmative action program imposed by the Commission.
20. In response to the issues and concerns of ANC-2C and the Central City Community Corporation, the Commission finds that the applicant has testified that he will be required to meet an affirmative action program imposed by the Redevelopment Land Agency. The RLA has sufficient authority to implement a full affirmative action employment program to recruit and train District residents at various staff levels for employment within the company should the application be granted. There is thus no need for the Zoning Commission to impose any requirement in that regard.

21. The proposed action was referred to the National Capital Planning Commission under the terms of the District of Columbia Self-Government and Governmental Reorganization Act and the National Capital Planning Commission reported that the PUD with the guidelines, standards, and conditions as proposed by the Zoning Commission will not have an adverse impact on the functions of the Federal Establishment or other Federal interests in the National Capital.

CONCLUSIONS OF LAW

1. The proposed Planned Unit Development meets the minimum area requirements of Sub-section 7501.2 of the Zoning Regulations.
2. The Planned Unit Development process is an appropriate means of controlling development of the subject site.
3. Approval of this consolidated PUD application is appropriate, because the application is generally consistent with the present character of the area and because it would encourage stability of the area.
4. The Commission takes notes of the position of Advisory Neighborhood Commission - 2C, and in its decision has accorded to the ANC the "great weight" to which it is entitled.
5. The approval of the application would promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
6. The proposed application can be approved with conditions which would insure that development would not have an adverse effect on the surrounding area.

DECISION

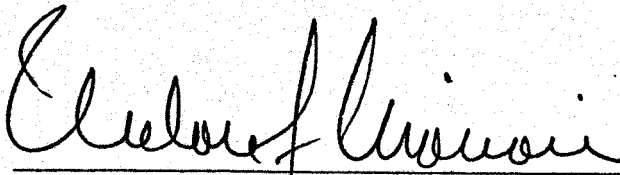
In consideration of the Findings of Fact and the Conclusions of Law herein, the Commission hereby Orders approval of the Consolidated Planned Unit Development for Square 563, subject to the following guidelines, conditions, and standards:

1. The Planned Unit Development shall be developed under the existing C-3-C District. There shall be no change of zoning for the planned unit development.
2. The Planned Unit Development shall be developed in accordance with the revised plans filed with the Zoning Commission, dated July 30, 1980 prepared by Vlastimil Koubek, and marked as Exhibit No. 21 of the record, as modified by plans marked as Exhibits 35 and 36 of the record, except as those plans may be modified to conform to the guidelines, conditions and standards of this order.
3. The overall floor area ratio of the building shall not exceed 6.5.
4. The maximum height of the building shall not exceed 101 feet. The roof structure of the building, including mechanical equipment and stair and elevator pent-houses, may exceed the height limitation, but shall not exceed 18 feet 6 inches in height above the level of the roof upon which it is located.
5. The uses of the building shall be limited to office and residential uses, and uses accessory thereto, provided that the ground floor and first cellar may be occupied by retail and service uses permitted in the C-3-C District.
6. Any signs on the building shall be located flush with or behind the principal facades of the building and the top of the sign shall be no higher than the structural slab of the second floor. Any lighted signs shall be stencil cut and back lit. The corporate logo of the Union Labor Life Insurance Company may be located on the exterior of the building anywhere below the level of the principal roof of the building.
7. The design and location of exterior spaces, paving material, provision for seating, planters, trees and shrubbery shall be as shown on Exhibit No. 35 of the record. All improvements provided by the applicant and located in public space shall be maintained by the applicant. The species of trees to be located on the public space shall be as shown on the plan approved by the Department of Transportation, marked as Exhibit No. 35 of the record.

8. Storm water management and erosion control measures shall be provided as shown on the approved plans.
9. Off street parking shall be provided for a minimum of 230 spaces and a maximum of 293 spaces and shall be located within the cellars of the building and vault space.
10. Off-street loading berths shall be provided within the building, with two berths measuring 12 feet by 25 feet and one berth measuring 12 feet by 55 feet. The berths shall be designed so as to provide for maneuvering of the smaller trucks within the building as shown on Exhibit No. 36, subject to final resolution of the details of the loading area between the applicant and the D.C. Department of Transportation.
11. The exterior of the building shall be polished dark grey granite, as dark as possible, with grey tinted glass to match the granite as closely as possible. Prior to the issuance of a building permit for the project, the applicant shall have received the approval of the Chairman of the Zoning Commission as to the specific stone and glass to be used in the facade.
12. Building permits for the construction of this project shall be issued only to the owner of the property, the D.C. Redevelopment Land Agency, and the present contract purchaser, the Union Labor Life Insurance Company.
13. No building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the office of the Corporation Counsel and the Zoning Regulations Division, which covenant shall bind the applicant and all successors in title to construct on and use this property in accordance with this Order or amendments thereof by the Zoning Commission.

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Vote of the Commission taken at the public meeting of October 9, 1980: 3-0 (Commissioners Theodore F. Mariani, Walter B. Lewis, and John G. Parsons to APPROVE with CONDITIONS; Commissioner Ruby B. McZier not voting, not having heard the case and Commissioner George M. White not present not voting).



THEODORE F. MARIANI
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on November 13, 1980 by a vote of 4-0 (Walter B. Lewis, John G. Parsons, Theodore F. Mariani and George M. White to adopt, Ruby B. McZier not voting, not having heard the case)

In accordance with Section 4.5e of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective on _____.