In Re: American Pharmacists Association, H.P.A. No. 03-286 (Subdivision)

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE
801 NORTH CAPITOL STREET, N.E., THIRD FLOOR
WASHINGTON, D.C. 20002

DECISION AND ORDER

BACKGROUND


The American Pharmacists Association ("APhA" or " Applicant") filed with the D.C. Department of Consumer and Regulatory Affairs ("DCRA") an application for consolidation by subdivision of Lots 19, 810, 814 and 815, and a portion of Lot 813 in Square 62.1 The original APhA headquarters building, designed by John Russell Pope, is an individual landmark listed in the D.C. Inventory of Historic Sites (the "Pope Building") and is situated on Lot 19. A rear addition to the Pope Building, known as the annex, is a non-contributing element to the landmark. Pursuant to D.C. Code Ann. § 6-1106(e) (2001), the Applicant claims that the subdivision is necessary in the public interest because it is consistent with the purposes of the historic preservation law.

The Mayor's Agent held a hearing on the proposed subdivision on October 14, 2003, in accordance with D.C. Code Ann. § 6-1106(c). Notice of the public hearing was published in the D.C. Register on August 22, 2003. The Applicant was represented by Whayne S. Quin, Esq., of Holland & Knight LLP. Roger Browning and Ann Somerset of the American Pharmacists Association; Graham Davidson of Hartman-Cox Architects; and Kathleen Webb of the JBG Companies, were also present on behalf of the Applicant. No person or party appeared in opposition to the subdivision application.

1 APhA is the owner of Lot 19. The U.S. Government, through the General Services Administration ("GSA") is the owner of Lots 810, 813, 814 and 815 and has authorized APhA to proceed through the historic preservation review process while the sale and acquisition process is being finalized.
For the reasons set forth herein, the application for subdivision is hereby granted.

ISSUE

The sole issue to be decided is whether the Applicant has sustained its burden of proof in showing that the consolidation of Lot 19 with Lots 810, 814, and 815, and a portion of Lot 813 in Square 62 is consistent with the purposes of the historic preservation law and thus necessary in the public interest.

FINDINGS OF FACT

The Mayor's Agent, having received and reviewed all of the evidence presented in this matter, now makes the following Findings of Fact.

1. APhA is the owner of record lot 19 in Square 62. GSA is the owner of Lots 810, 813, 814 and 815 in Square 62. GSA is negotiating the sale to APhA of Lots 810, 814 and 815 in their entirety, and all of Lot 813 except for a seventeen-foot strip along 23rd Street, N.W. (the "GSA parcel"). APhA intends to demolish its annex on Lot 19 and construct a new addition to the Pope Building. The addition will be located in part on Lot 19 and in part on the GSA parcel to be acquired.

2. Because the sale constitutes a federal undertaking under Section 106 of the National Historic Preservation Act ("Section 106") and a major federal action under the National Environmental Policy Act ("NEPA"), the proposed sale and new construction are being extensively reviewed in an environmental assessment that incorporates the Section 106 review process. Additionally, because of deed restrictions on the property, the Commission of Fine Arts ("CFA") and the National Capital Planning Commission ("NPS") have approval authority over the new construction. The D.C. Historic Preservation Review Board ("HPRB") also has jurisdiction over the property to make recommendations to the Mayor's Agent on the new construction and proposed subdivision. Finally, because the federal property is unzoned, the Applicant must seek zoning relief for the proposed addition from the D.C. Zoning Commission. The proposed subdivision is one minor step in a lengthy and complex review process.

3. The D.C. Zoning Regulations require each building to be located on its own lot of record. Therefore, in order to construct the proposed addition, the Applicant must seek a consolidation of the GSA parcel with Lot 19.

4. The proposed addition has received approval in concept from the CFA and NCPC. At its meeting of May 22, 2003, the HPRB also recommended approval of the proposed addition and subdivision as consistent with the purposes of the Act.

5. The proposed subdivision will allow for the development of the APhA property in a manner that retains and enhances the original landmark building. The new addition has been sensitively designed to frame the Pope design, 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.

CONCLUSIONS OF LAW

The Mayor's Agent concludes that the Applicant in the instant case has sustained its burden of proof, in that the approval of the subdivision is consistent with the purposes of the Act and thus necessary in the public interest.

ORDER

ACCORDINGLY, it is this 14th day of October, 2003,

ORDERED that the Applicant's request for approval of a subdivision through consolidation of Lots 19, 810, 814, and 815, and a portion of 813 into a single lot of record is GRANTED; and it is

FURTHER ORDERED that, pursuant to 10 DCMR § 2523.4, this Order shall take effect fifteen (15) days from the date of service.

/S/
ROHULAMIN QUANDER, ALJ, D.C.,
and Mayor's Agent for Historic Preservation
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Decision and Order was served this 14th day of October, 2003, by mailing a copy of the same via either D.C. Government inter-office mail or vial U.S. Mail, postage prepaid, to the following:

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