

Before the Board of Zoning Adjustment, D. C.

Application No. 11738 of Savage-Fogarties Companies, Inc. pursuant to Section 8207.2 and 8207.1 of the Zoning Regulations for approval of roof structures as provided by Section 3308 of the Regulations, and a reduction of required parking as provided by Section 7203 of the Regulations and a variance to reduce the required size of 8 parking spaces in the C-M-2 zone at 2501 M Street, N. W., lots 39, 40, 804, 805, 823, 824, 828, 829, 837, Square 13.

HEARING DATE: October 16, 1974  
EXECUTIVE SESSION: October 25, 1974

FINDINGS OF FACT:

1. The subject property is located in a C-M-2 zoning district and contains a lot area of 27,310 square feet.
2. The applicant proposes to build an office building with one floor of retail which has a total gross floor area of 109,240 square feet, of which 91,030 square feet is devoted to office use and 15,506 square feet is devoted to retail uses with individual stores. Under the Zoning Regulations, 99 parking spaces would normally be required.
3. At the public hearing, and as indicated by the Statement of the Applicant filed prior to the hearing in accordance with the Rules of Practice and Procedure, applicant withdrew its request for a variance for the reduction in size of parking spaces for eight spaces. Thus, the application before the Board is solely for special exceptions for roof structure approval and reduction in parking.
4. The roof structure proposed has an F.A.R. of approximately 0.23 and is less than that 0.37, which may be permitted by the Board by special exception under Section 3308. The roof structure will be constructed of materials and color of the same materials and color as the street facade of the building, which will be beige, pre-cast concrete. As can be seen from the photograph of the rendering submitted to the Board, the roof structure is set back in accordance with the requirements of the Zoning Regulations from all building lines and the penthouse harmonizes with the main building in architectural character, material and color.
5. The applicant has agreed to include the cooling towers within the penthouse enclosure.
6. The applicant proposes to provide spaces for 80 automobiles complying with the size required in the Zoning Regulations, which amounts to a reduction of approximately 19 per cent.
7. The property is located on the major arterial of M Street approximately one block away from Pennsylvania Avenue, N. W. bus service exists to the site and also one rush hour bus stop in front of the site on M Street. These bus lines provide transportation service to Virginia as well as Friendship Heights and also to Southeast Washington and 11th and E Streets, N. W.

These are major bus lines with excellent connections to other areas of the City. Additionally, the Foggy Bottom Metro station is located within a 10-minute walk from the site.

8. The architect and planner for the proposed building estimates that approximately 360 persons would be the maximum occupancy of the building and further estimates that approximately 70 spaces are needed, although under the proposed plans 80 automobile spaces can be accommodated.

9. M Street is a major artery with five lanes going in a westerly direction during rush hours. Pennsylvania Avenue is also a major arterial providing excellent transportation access.

10. The applicant testified at public hearing, that there is a large quantity of available off-street parking in the area by way of commercial parking lots. At 25th and M Streets, there is a parking lot with 300 spaces of which approximately 25 per cent of the spaces are available. At 24th and M Streets, 100 spaces are provided, of which approximately 15 to 20 per cent are available. At 2520 L Street, N.W., 60 spaces are provided, of which three to six per cent are available. At 2401 Pennsylvania Avenue, 85 spaces are provided, of which approximately 20 per cent available. There are many other parking lots in the West End area with a total of approximately 1,600 spaces.

11. There was no opposition to the grant of this application. The Office of Planning and Management found that the application complied with Section 3308 of the Zoning Regulations. One citizen in the general area appeared in support of the applicant.

12. The Board takes notice of the fact that the Zoning Regulations permit commercial parking lots as special exceptions to the Regulations and that these lots are of a temporary nature granted subject to conditions, which if not complied with, may be a basis for revocation of a Certificate of Occupancy. Commercial parking lots are also granted for a specific time period.

13. The Board finds that the existence of commercial lots in proximity of the proposed structure does not insure adequate parking for the proposed structure.

14. The Board finds that the existence of bus service near the proposed structure does not guarantee that persons working in the building or visitors to the building would use that service.

CONCLUSIONS OF LAW & OPINION

Based upon the above Findings of Fact and the record, the Board concludes that the applicant has complied with Section 3308 of the Regulations, and that the proposed roof structure, which in the opinion of the Board will have no adverse affect on neighboring property, can be granted without impairing the intent of the Zoning Regulations.

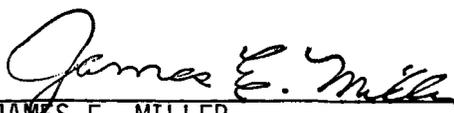
In exercising its authority to reduce required parking pursuant to Section 7203 of the Regulations, the Board must consider the matters described in Sections 7203.2, 7203.21, 7203.12, 7203.23, and 7203.24 of the Regulations. As to the nature and location of the proposed mixed use (office/retail store) building, the Board is of the opinion that such a use with 360 employees and an undiscernable number of visitors that the required parking should be provided on the subject property. Evidence of record indicates that where the subject property abuts M Street, that public highway is one-way with 5 lanes, thus, M Street could accommodate traffic exiting from the proposed building without the danger of motorists crossing lanes of traffic in order to travel in the opposite direction. Therefore, the Board is of the opinion that the required parking if ordered, would not create traffic congestion, absent any testimony that such would result from the existence of 99 parking spaces on the subject property. The Board is of the opinion that the existence of temporary commercial parking lots, which may be improved by buildings in the future, is not a sound basis for granting the requested reduction of parking in this case. The Board notes that the C-M-2 parking requirements are very high in comparison to uses in other zone districts. For this reason, and because of the mixed use proposed and the capacity of M Street as a one-way entrance and exit to the subject property, the Board concludes that the granting of reduction of required parking, if granted, would not be in harmony with the general purpose and intent of the Zoning Regulation.

ORDERED: That the above application be GRANTED in part and DENIED in part; the request for reduction of parking is hereby denied and the roof structure granted subject to the condition that the applicant enclose chillers on the roof structure with screening walls made of materials to harmonize with the main roof structure.

VOTE: 3-2 (Mr. Harps and Mr. Klauber dissenting).

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BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:   
JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF ORDER: DEC 06 1974

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY  
UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE  
DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE  
EFFECTIVE DATE OF THIS ORDER.

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11738 of Savage-Fogarty Companies, Inc. for special exceptions for approval of roof structures in accordance with Section 3308 and reduction in parking requirements pursuant to Section 7203 of the Zoning Regulations for office building located at 2501 M Street, N. W., Lots 39,40,804,805,823,824,828, 829 and 837, Square 13.

Hearing held on October 16, 1974

Reargument held on September 28, 1976

FINDINGS OF FACT:

1. The subject property is located in a C-M-2 Zoning District and contains a lot area of 27,310 square feet.

2. The applicant proposes to build an office building with one floor of retail which has a total gross floor area of 109,240 square feet, of which 91,030 square feet is devoted to office use and 15,506 square feet is devoted to retail uses with individual stores. Under the Zoning Regulations, 99 parking spaces would normally be required.

3. At the Public Hearing, and as indicated by the Statement of the Applicant filed prior to the hearing in accordance with the Rules of Practice and Procedure, applicant withdrew its request for a variance for the reduction in size of parking spaces for eight spaces. Thus, the application before the Board is solely for special exceptions for roof structure approval and reduction in parking.

4. The roof structure proposed has an F.A.R. of approximately 0.23 and is less than the 0.37, which may be permitted by the Board by special exception under Section 3308. The roof structure will be constructed of materials and color of the same materials and color as the street facade of the building, which will be beige, pre-cast concrete. As can be seen from the photograph of the rendering submitted to the Board, the roof structure is set back in accordance with the requirements of the Zoning Regulations from all building lines and the penthouse harmonizes with the main building in architectural character, material and color.

5. The applicant has agreed to include the cooling towers within the penthouse enclosure.

6. The applicant proposes to provide spaces for 80 automobiles complying with the size required in the Zoning Regulations, which amounts to a reduction of approximately 19 per cent.

7. The property is located on the major arterial of "M" Street approximately one block away from Pennsylvania Avenue, N.W. Excellent bus service exists to the site by bus stops located on Pennsylvania Avenue in close proximity to the site and also one rush hour bus stop in front of the site on "M" Street. These bus lines provide transportation service to Virginia as well as Friendship Heights and also to Southeast Washington and 11th and "E" Streets, N.W. These are major bus lines with excellent connections to other areas of the City. Additionally, the Foggy Bottom Metro Station is located within a 10-minute walk from the site. The site enjoys an in-town location.

8. The architect and planner for the proposed building estimates that approximately 360 persons would be the maximum occupancy of the building and further estimates that approximately 70 spaces are needed, although under the proposed plans 80 automobile spaces can be accommodated.

9. "M" Street is a major artery with five lanes going in a westerly direction during rush hour. Pennsylvania Avenue is also a major arterial providing excellent transportation access.

10. There is a large quantity of available off-street parking in the area by way of commercial parking lots. At 25th and "M" Streets, there is a parking lot with 300 spaces of which approximately 25 per cent of the spaces are available. At 24th and "M" Streets, 100 spaces are provided, of which approximately 15 to 20 per cent are available. At 2520 "L" Street, N.W., 60 spaces are provided, of which three to six per cent are available. At 2401 Pennsylvania Avenue, 85 spaces are provided, of which approximately 20 per cent are available. There are many other parking lots in the West End area with a total of approximately 1,600 spaces.

11. There was no opposition to the grant of this application. The Office of Planning and Management found that the application complied with Section 3308 of the Zoning Regulations. One citizen in the general area appeared in support of the applicant.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above findings, the Board is of the opinion that the applicant has complied with Section 3308 of the Zoning Regulations in that the roof structures will harmonize with the material, color and character of the building and are below the permitted F.A.R. of 0.37. The roof structures are in harmony with the purposes and intent of the Zoning Regulations and will not tend to affect adversely the use of nearby and adjoining property.

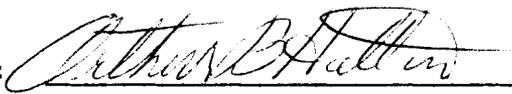
The Board is also of the opinion that the applicant has met the requirements of Section 7203 with regard to the reduction of parking. Public transportation by way of bus service and future Metro service are excellent and the site is an in-town location. There is more than adequate alternative parking available through commercial parking lots in the immediate area. We believe that the special exception request is in accordance with the intent and purpose of the Zoning Regulations and will not adversely affect the uses of nearby and adjoining properties.

ORDERED:

That the applicant's request for approval of roof structures is GRANTED and the request for reduction of parking is GRANTED. This Order vacates the previous Order of the Board dated December 6, 1974.

VOTE: 4-1 (William F. McIntosh, Leonard L. McCants, Esq., William S. Harps and Ruby B. McZier, Esq., to vacate previous order with Lilla Burt Cummings, Esq. to deny)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:   
ARTHUR B. HATTON  
Executive Director

FINAL DATE OF ORDER: September 30, 1976

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.