

Before the Board of Zoning Adjustment, D. C.

Application No. 11950 of Gerald S. and Judith Miller, pursuant to Section 8207.2 of the Zoning Regulations, for special exceptions to permit the construction of a new office building in the **SP C-3-B** zone as provided by Section 4101.42 of the Regulations, and approval of roof structures as provided by Sections 4306 and 5306 of the Regulations, at the premises 1800 Massachusetts Avenue, **N.W.**, known as lots 41, 811, 812, 813, 39, 823, 808, in Square 137.

HEARING DATE: June 18, 1975

DECISION DATE: August 6, 1975

**FINDINGS OF FACT:**

1. The applicants filed with the Board, BZA No. 11755, which involved the subject site. This involved the relief sought in this appeal and also a request for a use and area variance. The Board permitted that case to be withdrawn without prejudice to refiling of the subject appeal. The Board has received in evidence those portions of the record in BZA No. 11755 that are material and relevant to the issues before the Board in this case.

2. The subject site fronts on three streets Connecticut Avenue, Massachusetts Avenue and 18th Street, **N.W.** The total lot area is 29,184 square feet of which 12,462 square feet is zoned C-3-B and 16, 722 square feet is zoned **S-P**.

3. The applicants seek to erect an office building, 90 feet in height to occupy both the S-P and C-3-B portions of the site, and to assign **S-P** uses to that portion of the building located in the **S-P** District.

4. The subject property is located directly across Connecticut Avenue from the Dupont Circle Metro Station entrance.

5. The Board finds that because of the proximity of the site to the Metro Station, the favorable recommendation for the relief requested presented by the Municipal Planning Office should be given great weight.

6. The subject site is located in part in a major business area with frontage on Connecticut Avenue and with 300 feet of the Metro Station. Further, all other uses in the square are devoted to **S-P** office or commercial uses, and accordingly, the portion of the subject site zoned **S-P** is suitable for **S-P** office use.

7. Applicants' proposed building does not abut or face any residentially zoned or used property, but abuts only C-3-B zoning and faces only **S-P** land to the east is the clinic. The owner of the nearest apartment building on 18th Street supports the relief sought in this application. The other S-P property owners offered no objection,

8. A special landscaping and architectural treatment for the first floor, Massachusetts Avenue frontage, was developed by Hideo Sasaki, landscape architect, is similar to the 1700 Block of Massachusetts Avenue. Mr. Sasaki expressed the view that the plan, as proposed, would be in harmony with the general character of the street, Leon Brown, F.A.I.A., also testified to the same effect, We concur in the opinions expressed by these two witnesses.

9. The height of 90 feet is permitted along Massachusetts Avenue in this area. Although there was opposition to the height presented by two citizen groups, it is the Board's view that 90 feet at this location is compatible with the adjacent area,

10. The Department of Highways and Traffic has submitted a favorable report, and stated that the proposed underground parking entrance on 18th Street is the best location for driveway entrance considering the traffic congestion on Massachusetts Avenue,

11. Based upon a traffic study by Mrs. Ida Fox, the opposition asserted that an entrance and exit on 18th Street would cause an objectionable traffic condition.

12. The opposition testified, that during the evening rush hour, one bus per minute passes the proposed building going North on 18th Street, N.W.

13. The existing use of the subject property is that of a parking lot containing 120 parking spaces and having those different points of access. Whereas, the proposed building would provide 155 parking underground space and one entrance on 18th Street, N. W.

14. During rush hour, 18th Street above Massachusetts Avenue and the site of the proposed building, 18th street is one way with no left turns permitted from 18th street going north across Massachusetts Avenue, because 18th Street, N.W. is a one-way street,

15. Testimony on traffic by applicant's expert establishes, in our view, that the S-P office use will not create dangerous or otherwise objectionable traffic conditions because the Board will be replacing an existing surface parking lot use which has entrances from Connecticut Avenue, Massachusetts Avenue, and 18th Street, Entrance to the applicants' building will be restricted to the 18th street frontage and will prohibit entrances from the other two streets, By restricting the 18th Street frontage, this traffic can be readily handled with a 10 foot widening adjacent to applicants' property. The site is well served by public transportation and is located in close proximity to the Metro Station and the Board will require the elimination of the lowest level of parking. We feel that this treatment fully satisfies the requirements of the Zoning Regulations

16. Testimony of applicant's traffic expert establishes, and the Board finds that the use of the proposed office building will not generate traffic above or beyond the capacity of the street system providing access to the proposed office building,

17. The evidence presented in support of approval of the roof structure meets all applicable requirements as to setback, F.A.R., and treatment of the facade. No opposition was presented to this portion of the application and the Municipal Planning Office reported favorably.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board concludes:

1. The proposed office uses as permitted in the Special Purpose district with the Special Massachusetts Avenue treatment will be in harmony with the existing uses on both neighboring and adjacent properties.

2. The character of use in the area is predominantly S-P office uses and this area of Massachusetts Avenue is a prime S=P office district in the city.

3. The use will not create dangerous or other objectionable traffic conditions.

4. Any increase in traffic can be adequately handled by the capacity of the surrounding street system and public bus transportation,

5. The S-P district is designed to stabilize those areas adjacent to the C-4 district containing Central Business Districts supporting uses and specifically encouraging, among other uses, offices,

OPINION :

We are of the opinion that the granting of this application will be in accordance with the intent and purpose of the Zoning Regulations and Maps. The subject site lies in the approximate center of the SP district with frontage on the major arterial of Massachusetts Avenue.

The Board is also of the opinion that the applicant meets all requirements of Section 4306 of the Zoning Regulations as to the height, FAR, setback, percentage of area occupied and color of material for roof structures.

The Board is of the opinion that proposed office building will **not** create dangerous and objectionable traffic conditions beyond those which may already exist, in fact, the office building parking will restrict ingress and egress to a single location on 18th Street as opposed to three access **points** provided by the existing parking lot use, which in opinion of the Board creates a lesser objectionable traffic condition relating to the use of the subject property.

Further, the Board is of the opinion that applicants comply with **all requirements** of §4101.42 of the Zoning Regulations in that the proposed SP office use will be in harmony with existing neighboring or adjacent property, will not create dangerous or other objectionable traffic conditions, and that special treatment has been provided to protect adjoining and neighboring properties.

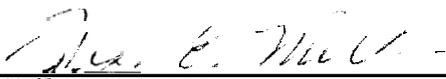
ORDERED: That the above application be **GRANTED** subject to the following conditons :

1. That SP portion of the building be used for SP purpose only and that the C-3-B portion of the building be used for C-3-B purposes only.
2. That access to and from the underground parking facility be from 18th Street,
3. That the applicant shall widen 18th Street by 10' adjacent to the subject property upon approval of the Department of Highways and Traffic.
4. That the proposed loading deck be located away from the entrance to the proposed parking facilities.

VOTE: 4-0 (Lilla Burt Cummings, Esq. not voting not having heard the case).

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

ATTESTED BY:

  
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JAMES E. MILLER.  
Secretary to the Board

FINAL DATE OF ORDER: 9/25/75

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.