

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12666, of Temple Realty, et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.42 to construct an office building and for modification of BZA Order No. 8711, which required accessory outdoor parking spaces for an adjacent building at 1234 - 19th Street to be located on the subject site, to allow the required spaces to be located in the garage of the new building in the SP District at the premises 1906-1922 "N" Street, N.W., (Square 116, Lots 14, 17, 814, 831 and 834).

HEARING DATE: June 7, 1978
DECISION DATE: July 5, 1978

FINDINGS OF FACT:

1. The subject property is located on the south side of N Street, N.W., between 19th and 20th Streets and is known as 1906-1922 N Street, N.W. It is located in an SP District.
2. Adjacent to the site on the east are the offices of the Defenders of Wildlife which is located at the corner of 19th and N Streets. Adjacent on the west is a small row structure which is devoted to office use. At the southeastern corner of 20th and N Streets is a small restaurant. A thirty foot wide public alley adjoins this site at the rear. Immediately across N Street from this site is the Lenkin-Studley SP office building currently under construction. Said building was approved by the Board in application number 12415 and occupies the site of the former offices of the law firm of Arnold and Porter. A ninety foot apartment building (The Sunderland) occupies the northeastern corner of 19th and N Streets. To the south on this square fronting on 19th, 20th and M Streets are ninety foot office buildings with retail and service uses.
3. The SP District in which this property is located, is generally bounded by 19th Street, N Street, New Hampshire Avenue and 21st Street, and continues northward along 20th Street in a narrow corridor to Q Street, N.W. C-3-B zoning is found both north and south of Dupont Circle. An R-5-B District is located west of New Hampshire Avenue between N and P Streets and further north is an R-5-D District along New Hampshire Avenue. In general, the areas to the east and south of the site are generally high density commercial and residential while high density residential zoning predominates to the west.

4. BZA Application No. 12226, filed by the same applicant as the current request, requested a special exception to construct an SP office building on Lots 14 and 831 (two of the lots involved in the subject application) Square 116. The application was heard on November 23, 1976 and May 17, 1977 and was granted on June 15, 1977. Construction of the proposed office building did not proceed. A court challenge by the Dupont Circle Citizens Association has been heard but not decided by the D.C. Court of Appeals. In the interim the applicant has acquired additional property adjacent to the originally contemplated site and has proposed a redesign of the original building to encompass the newly expanded site. The subject application involves the proposed new building.

5. The Dupont Circle Citizens Association and the Advisory Neighborhood Commission 2B moved that the subject application be dismissed with prejudice or that the hearing be postponed pending the receipt of the opinion and judgement of the D.C. Court of Appeals on the appeal from the Board's Order No. 12226, dated July 6, 1977, which granted permission to construct a smaller office building on part of the subject property. The motion also requested that the hearing be postponed pending the resolution of proposed revisions to the SP District by the Zoning Commission and on the grounds that the subject application was bought at this time to protect grandfather rights under the current Zoning Regulations.

6. Counsel for the applicant argued that the subject application is not an amended application but a new application, that the issues in the court challenge involved matters which are not pertinent to the subject application, that, judging from past experiences, the D.C. Court of Appeals would not hand down an opinion for approximately eighteen months from now, that the appeal is on procedural grounds rather than substantive grounds and that counsel for applicants had sufficient personal knowledge that the subject application was being filed.

7. Having heard the arguments on the matter, the Chair ruled that the application would be heard as scheduled. That ruling was based on the recommendation of the Corporation Counsel that when an application is advertised it should be heard regardless of pending matters before the Zoning Commission or the Court of Appeals. The Chair also ruled that the application would be heard under the Zoning Regulations then in effect.

8. The area of the subject site is approximately 19,830 square feet. The site is vacant and used as outdoor surface parking.

9. The applicant proposes to construct an office building the use of which will be limited to those uses specified in Paragraph 4101.42 of the Zoning Regulations. These include chancery uses, offices of a non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person.

10. The frontage along N Street is approximately 208 feet. The building will have a height of ninety feet and include eight floors of office space and two underground parking levels. The roof structure has a height of eighteen feet six inches. The N Street facade of the building is divided into seven bays, each of which is approximately twenty-five feet wide. Exterior materials will be red brick and glass, alternating brick spandrils and glass form horizontal bands across the facade of the building. The design of the building includes a series of planter boxes at sidewalk level along the N Street frontage.

11. The first basement level of the building is devoted to parking and can accommodate forty-two cars. The second basement level accommodates thirty-eight cars yielding a total of eighty spaces to be provided. The vehicular entrance to the building is from N Street at the western end of the building.

12. N Street is a local street with a paved width of thirty-two feet. Parking is permitted on both sides. It operates as a one-way street westbound. Nineteenth Street is a collector street with a pavement width of thirty-two feet. It has three moving lanes operating one-way southbound during the peak hours. Twentieth Street is a collector street with a pavement width of forty-four feet. Parking is permitted on the west side. It has three moving lanes operating one-way northbound during the peak hours.

13. As previously stated, the area of this site totals approximately 19,830 square feet. With a 5.5 FAR the maximum allowable area is 109,065 square feet. The applicant proposes a building of 106,467 square feet.

14. Article 73 of the Zoning Regulations requires that for SP office buildings with 100,000 to 200,000 square feet of gross floor area two loading berths be provided. The applicant has provided two loading berths at the rear of the building.

15. Article 72 of the Zoning Regulations requires that parking be provided at a minimum ratio of one space for every 1800 square feet of gross floor area after the first 2000 square feet. A total of fifty-eight spaces is the minimum required for this building.

16. The Board, in application No. 8711, for which a modification of that Order is herein requested, required that accessory parking be provided on Lot 17 in Square 116 to serve a medical building located at 1234 - 19th Street, N.W. If this application is granted, the applicant proposes to provide the seventeen spaces which are now in a surface parking lot within the building in order to comply with the Board's previous Order and covenants which remain in force.

17. Including the required parking for this building and the required accessory parking for the medical building, the applicant therefore is required to provide a minimum of seventy-five spaces. The applicant proposes to provide eighty spaces.

18. The use of this building will be limited to those uses specified in Paragraph 4101.42 of the Zoning Regulations. The applicant testified that such uses would be in harmony with the uses that predominate in the area in that there are almost no residential uses in the subject square itself and most structures within 500 feet of the proposed building are devoted to office use, including an approved office building for Lenkin-Studley Joint Venture under construction across the street from the subject site. The Board so finds.

19. A traffic expert for the applicant testified that the traffic estimated to be generated by the proposed office building would not have any adverse effect on existing traffic conditions in the immediate area or on nearby intersections and streets. The number of peak-hour trips estimated to be generated by the uses in the proposed building will result in fewer cars coming into and leaving the area than the number generated by the existing parking lots that will be replaced by the proposed building. The Board so finds.

20. The subject site is not included within the boundaries of the Dupont Circle Historic District, nor has it been nominated for inclusion therein.

21. Municipal Planning Office, by memorandum dated June 2, 1978, and by testimony at the hearing, recommended that the application be granted on the grounds that the proposed use of the subject property as an SP office building is in harmony with surrounding uses. MPO noted that the current Zoning Regulations state that the special purpose district is generally restricted to the periphery of the Central Business District, and that offices, apartment houses, hotels and controlled parking facilities are encouraged. MPO noted that this site is adjacent to a C-3-B District to the south and is within one block of the northwestern boundary of the C-4 District. There are significant concentrations of retail and office uses nearby and with the exception of the Sunderland apartment building, the 1900 block of N Street is now devoted to non-residential uses. The proposed building complies with all applicable height, area, and bulk requirements of the SP District. The MPO reported that the request to modify BZA Order #8711 to allow the required accessory parking spaces to be relocated within the proposed building is within the intent and purpose of the Zoning Regulations and the previous Board's Order and recommended that the request be granted. The MPO also recommended approval to allow construction of the proposed SP office building and roof structure. It was the opinion of MPO that approval of the special exception will be within the intent and purpose of the Zoning Regulations. The Board so finds.

22. The application was referred to the Department of Transportation on April 12, 1978, for its review and report. The report was not received at the date of the Public Hearing but the Chairman left the record open for the report to be submitted. Copies of the Department of Transportation report were served on all parties. By memorandum dated July 3, 1978, the D.O.T. reported that the proposed development is expected to generate between thirty five and fifty automobile trips in the peak direction during each of the peak hours. The D.O.T. reported that its analysis indicates that the surrounding street system can accommodate the traffic generated by this development without measurably affecting the existing levels of service. The Board so finds. The D.O.T. further noted that commercial parking is plentiful in the subject area and there is excellent Metrobus and Metrorail service. The D.O.T. recommended that only forty seven spaces be allotted to employees and that at least sixteen spaces be reserved for visitors and other short term parkers.

23. Advisory Neighborhood Commission 2B opposed the application on the grounds that the granting of this application would not restabilize SPDistricts and that former residences should be replaced with housing and not office buildings.

24. The Dupont Circle Citizens Association opposed the application on the same grounds as the ANC, that office buildings are an encroachment on former residential areas.

25. The Board is required by statute to give "great weight" to the issues and concerns expressed by the ANC. As to the common concerns of the ANC and the DCCA the Board finds that the subject application does not constitute an unreasonable intrusion into a former residential neighborhood that is zoned SP. The subject site is vacant and is surrounded by office uses. The proposed use is in harmony with existing uses on neighboring or adjacent property. Further, the Board is under no obligation, in this specific instance to require an owner of property to use his land for residential purposes where the applicant has other options and where the applicant can meet the standards specified for a special exception. Under Sub-section 4101.42 offices as well as residential uses are encouraged in an SP District.

CONCLUSIONS OF LAW AND OPINION:

Based on the above findings of fact and evidence of record, the Board concludes that the proposed use will be in harmony with existing uses on neighboring and adjacent properties, and that the proposed office building will not create dangerous or otherwise objectionable traffic conditions. The Board further concludes that applicant's request to modify BZA Order No. 8711, which required that the subject site provide seventeen parking spaces to serve the medical office building at 1234 - 19th Street, N.W., should be granted to allow the required accessory parking spaces to be relocated within the parking garage of the proposed building, rather than on the existing surface parking lots.

The Board concludes that it has given "great weight" to the issues and concerns of the ANC, and for the reasons stated above, concludes that their position should not be accepted in this matter. The Board further concludes that the granting of the relief sought herein will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. Accordingly, it is ORDERED that the application is GRANTED, subject to the CONDITION that seventeen parking spaces in the basement of the building be reserved for use as accessory parking for the doctor's offices at 1234 - 19th Street, N.W., and that such spaces be clearly and readily identified as reserved for such purposes.

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VOTE: 4-0 (Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to GRANT, Walter B. Lewis to GRANT by proxy, Leonard L. McCants not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

31 AUG 1978

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.