

12. The Department of Transportation, by memorandum dated July 31, 1978, reported to the Board that traffic generated by this development is not expected to reasonably affect the existing levels of service in the surrounding street system. The Board so finds. The Department also reported no objection to the proposed reduction in parking, on the grounds that commercial parking in the area is plentiful and that there is adequate Metrorail and subway service in the area. The Board so finds.

13. Advisory Neighborhood Commission 2C, by letter dated August 7, 1978, and by testimony at the hearing, opposed the application on the following grounds:

- A. The Regulations allow in an SP District, the office of "a chancery, non-profit organization, labor union, an architect, dentist, doctor, engineer, lawyer or similar professional person," and that rental of a building to more than one professional person or use by more than one professional person is not permitted.
- B. The proposed building as a large commercial office structure is not in harmony with uses on neighboring or adjacent property and would represent an invasion into a residential neighborhood of the central business district.
- C. The building would have an adverse effect on parking in the area.
- D. The building would not provide neighborhood service needs.
- E. The SP zone should create a buffer between residential areas and commercial high-rise structures.

14. The Logan Circle Community Association voted to oppose the application. The Logan Circle Community Association agreed with the ANC that the SP zoning should create as much as possible a buffer between residential areas and commercial high rise structures.

15. The Board is required by statute to give "great weight" to the issues and concerns of the Advisory Neighborhood Commission. As to those issues and concerns, the Board finds the following:

- A. Sub-section 1201.2 of the Zoning Regulations provides "words in the singular number include the plural number." The Regulations do not intend to restrict use of SP office buildings to a single tenant or user.

- B. As previously stated, notwithstanding the fact that abutting buildings to the west are three stories in height, the surrounding area is a high rise mixed use area. The height of the proposed building is less than the maximum permitted, and the design is similar to a residential building. The building contains no retail commercial uses, and could be occupied only by permitted SP office uses. Those uses, by the inherent limitations of the SP District, are transitional in nature.
- C. The building will contain sixteen parking spaces. The Board notes the report of the Department of Transportation and finds that such spaces will be sufficient for the building. The ANC has presented no specific information to the contrary.
- D. Neighborhood serving retail services are not permitted in the SP District. Rezoning of the property would be required to permit such uses.
- E. The entire immediate area is zoned SP, with the closest residential zoning more than one block to the north. The subject site is surrounded by residential and office and commercial uses. An office building at this location will not adversely affect the overall character of the SP District as a buffer zone.

16. After this case was heard and decided by the Board, the Zoning Commission adopted Order No. 235, amending the text of the SP District. These amendments reduced the maximum floor area ratio for office development from 5.5 to 3.5 and amended other portions of the SP regulations as well.

CONCLUSIONS OF LAW AND OPINION:

The relief requested from the Board includes two special exceptions. As to the request for permission to erect the office building, the Board concludes that the building will be in harmony with the predominant height and use of the area, that no objectionable traffic conditions will be created and that the use will not adversely effect the adjoining and neighboring properties.

As to the reduction in parking requested, based primarily on the report of the Department of Transportation, the Board concludes that the use will not reasonably add to existing traffic congestion, that sufficient parking will be available in the building and in surrounding facilities, and that adequate public transit is available.

The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled, and for the reasons stated, finds that the application must be granted and that the recommendations of the ANC not be accepted.

The Board notes that the regulations regarding the SP District have been amended, and that this application is not in accordance with the new regulations. The Board takes note of the opinion of the Corporation Counsel, dated October 16, 1978, and concludes that the applicant is entitled to a decision of the Board based on the regulations in effect on the date the case was decided; i.e., the former SP regulations.

The Board concludes that the granting of the application 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 Regulations and Maps. It is therefore ORDERED that the application be GRANTED.

VOTE: 4-0 (Chloethiel Woodard Smith, Charles R. Norris, William F. McIntosh and Leonard L. McCants to GRANT).

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

ATTESTED BY:



STEVEN. E. SHER
Executive Director

FINAL DATE OF ORDER: _____

24 OCT 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.