

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12705, of the 13th and M Streets Joint Venture, pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraph 4101.42 and Sub-section 7203.1 for permission to construct a new office building and for a reduction in the number of required parking spaces for non-residential uses with such reduction not exceeding twenty-five per cent of the required parking in the SP District at premises 1301-1309 "M" Street, N.W. (Square 245, Lots 800, 801 and 802).

HEARING DATES: July 26 and August 16, 1978
DECISION DATE: September 6, 1978

FINDINGS OF FACT:

1. The subject site is located on the northeast corner of the intersection of 13th and M Streets, N.W., and is known as 1301-1309 M Street, N.W. It is located in the SP District.
2. The site is 7,335 square feet in area. Part of the site is unimproved and is currently used as a parking lot. The remainder is occupied with a vacant two story building which formerly housed a supermarket.
3. Adjoining the subject site to the west are a group of three story rowhouse type units, followed by the International Inn, which is a ninety foot high hotel use. Across M Street to the south are two ninety foot buildings, an apartment house on the southeast corner of 13th and M and an office building for the American Federation of Government Employees on Massachusetts Avenue and M Street at Thomas Circle. To the southeast on the diagonally opposite corner of 13th and M Streets is a ninety foot apartment house, which is adjoined by a ninety foot apartment building fronting on Massachusetts Avenue and by another fronting on 12th Street, N.W. To the east, across 13th Street is a ninety foot apartment building at the northwest corner of 13th and M Streets, adjoined to the north by a supermarket, one parking lot and another high rise apartment building. To the south, along the west side of 13th Street are some two-story commercial facilities and a high-rise apartment building. All of the commercial uses are non-conforming uses in the SP District.
4. The Board finds that the subject area is developed predominantly with high-rise ninety foot buildings, and that there is a mix of residential, office and non-conforming retail uses.

5. The entire square is zoned SP as are all of the surrounding frontages of M and 13th Streets. There is C-4 zoning south of Thomas Circle and L Street, and R-5-C zoning north of N Street.

6. The applicant proposes to build on the site an eighty foot, seven story brick and glass office building. The prospective tenants of the building will be architectural, engineering and consultant firms and other professional and SP qualifying office tenants with space accommodations for approximately 250 employees. Sixteen underground parking spaces are provided in the cellar of the building with access from 13th Street by way of a nineteen foot rampway.

7. At the second public hearing on this case, the applicant submitted for the record drawings showing the proposed building. The building has been designed with bay windows on both the 13th and M Street frontages, to resemble a residential building. The building has been designed so that it would be feasible to use it as an apartment building, though the applicant does not intend to use it in that manner.

8. Under Article 72 of the Regulations, twenty-one parking spaces are required and sixteen are provided. This represents a twenty-four per cent reduction within the authority of the Board as set out in Sub-section 7203.1.

9. The general area is serviced very well by public transportation, including the McPherson Square Metro Station four blocks south at 14th and I Streets, N.W., and bus service along 13th Street and other downtown arterials.

10. The majority of the employees of the prospective occupants of the building presently use public transportation to go to their present places of employment. It is anticipated that the same will hold true for this site.

11. The Municipal Planning Office, by report dated July 21, 1978, and by testimony at the hearing recommended that the application be approved. The MPO suggested that definitive findings be made regarding the color of the building, the type of exterior glass that will be used and the exact location of the rear loading area. The Board finds that the plans submitted by the applicant do provide the detail that the MPO suggests is required.

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.