

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13408 of American Trucking Association, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use the first floor of the subject premises as an office annex to its headquarters building at 1616 P Street, N.W., in an SP-1 District at the premises 1623 O Street, N.W., (Square 181, Lot 90).

HEARING DATE: January 28, 1981
DECISION DATE: February 4, 1981

FINDINGS OF FACT:

1. The subject property is located on the north side of O Street between 16th and 17th Streets, N.W., in an SP-1 zone district at premises known as 1623 O Street, N.W.
2. The site is improved with a two story plus basement brick row structure. The building is adjoined on both sides by similar two story structures. Two parking lots, a liquor store at the corner of 17th and O Streets and the headquarters of the National Wildlife Federation are the remaining uses on the south side of this square. Across O Street to the south is the First Baptist Church and a parking lot.
3. The property which is the subject of this application is included within the boundaries of a planned unit development for which the American Trucking Association has been granted preliminary approval by the Zoning Commission. The project contemplates a six story office addition to the existing ATA headquarters building at 1616 P Street, N.W. A nine story apartment building is also proposed as part of the PUD at the corner of 17th and O Streets, N.W.
4. The total PUD site occupies approximately one-half of Square 818 with street frontages along O Street, P Street and 17th Street. The total gross floor area of the project will be approximately 271,079 square feet. The subject Lot 90 is proposed to be included in an open plaza located between the proposed new office and residential buildings.
5. The Zoning Commission granted approval of the first stage application for the planned unit development on August 9, 1979, Order No. 290. At the January 8, 1981 public meeting, the Zoning Commission took proposed action to approve the second stage application.

6. In addition to those uses previously noted, uses in Square 181 include the Berkely House apartment building and an auto repair garage on 17th Street, and two SP office buildings on 16th Street. The square is currently split zoned between SP-1 and R-5-D. Approximately 110 feet of the 17th Street frontage of the square carries R-5-D zoning. Upon final approval of the ATA's planned unit development and recording of the PUD covenant, all of the SP-1 zoned property within the PUD will be changed to SP-2.

7. The applicant proposes to use the first floor of the subject structure as office space for approximately six of the Association's employees currently housed at the firm's headquarters at 1616 P Street, N.W. The second story will continue in its present capacity as an occasional residence of the caretaker. This office is an interim use until development in accordance with the approved PUD commences.

8. The proposed office will have the same hours of operation as the existing ATA employees, 9:00 a.m. to 5:00 p.m., Monday through Friday, with parking for these employees continued at the current headquarters building.

9. The two adjoining structures are both owned by the applicant and are currently used as offices.

10. The existing building is similar in size, height and design to the adjoining two structures. The ATA does not propose any major exterior or interior changes to the existing building.

11. The American Trucking Association is a non-profit organization and is a permitted use by special exception in the SP District.

12. The Office of Planning and Development by report dated January 23, 1981 and the testimony at the public hearing, recommended approval of the application. The OPD reported that the "use, height, bulk and design of the structure is in harmony with that of adjoining property." The OPD further reported that the use of this structure as an interim use, with the shifting of current employees from a nearby site, with parking currently provided, will not affect adversely the use of neighboring property due to traffic. The Board so finds.

13. The Advisory Neighborhood Commission 2B and the Dupont Circle Citizens Association opposed the application on the grounds that to grant it would decrease residential housing facilities in the neighborhood. The opposition further argued that the application conflicts with the intent of Sub-section 4401.1 of the Zoning Regulations, which is to stabilize areas adjacent to

C-3-B and C-4 Districts which contain apartments, institutions, offices and mixed use buildings.

14. The Board is required to give great weight to the issues and concerns of the ANC. In addressing the issues raised by the ANC, as well as those raised by the citizens association, the Board finds as follows:

- a. The Findings of Fact and the Conclusions of Law, hereinafter stated, find that the applicant has met its burden of proof and met the requirements of Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations.
- b. Sub-section 4101.1 of the Zoning Regulations does not preclude office buildings. The major purpose of the SP District is to act as a buffer between adjoining commercial and residential areas, and to ensure that new development is compatible in use, scale and design with the transitional function of the zone district. In the subject application, as hereinafter concluded, the proposed building is compatible with other neighborhood uses and structures.
- c. The relief the applicant is seeking does not require a showing of a hardship. Nor does it require that the applicant demonstrate that the building cannot be used for residential purposes. Under the special exceptions, the applicant must show compliance with Paragraph 4101.44 and Sub-section 8207.2.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to use the property as offices on an interim basis pending development of a proposed PUD. In order to be granted such an exception the applicant must demonstrate that it has complied with the provisions of Paragraph 4101.44 of the Zoning Regulations. The Board concludes that the applicant has proved that the proposed office use will be occupied by a non-profit organization, that the use height, bulk and design are identical to the adjoining structures and will not tend to affect adversely the use of neighboring properties. The Board further concludes that since this application involves only the relocation of employees from an adjoining property, it is not likely to become objectionable to adjoining property because of noise, traffic or other objectionable conditions, and is therefore in

compliance with the intent, purpose and integrity of the Zoning Regulations and Map. The Board concludes that it has accorded to the ANC the great weight to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Connie Fortune to grant; Douglas J. Patton abstained).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 12 MAR 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.