

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13643 of Logan Park Associates, 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 offices for professional persons in an SP-2 District at the premises 1245 - 13th Street, N.W., (Square 281, Lot 48).

HEARING DATE: January 20, 1982

DECISION DATE: March 3, 1982

FINDINGS OF FACT:

1. The subject property is located at the southeast corner of the intersection of 13th and N Streets, N.W. and is known as 1245 - 13th Street, N.W. It is in an SP-2 District.

2. The subject property is rectangular in shape containing approximately 15,782 square feet. The site is improved with a recently constructed ten-story apartment building.

3. North of the subject property at the northeast corner of the intersection of 13th and N Streets, N.W. is an Amoco gasoline service station in the SP-2 District followed by a car wash and the high rise Iowa condominium building in the SP-2 District. To the south is the eight-story Commander apartment building with a cocktail lounge on the first floor in the SP-2 District. Immediately to the east is an apartment house in the R-5-C District followed by another apartment house under construction in the SP-2 District. To the west of the subject site at the southwest corner of the intersection of 13th and N Streets, N.W. is the Hysong Funeral Home, with a sign advertising professional office space for lease on the premises, and the Sutton Place, a Howard University dormitory, all in the SP-2 District. At the northwest corner of the intersection of 13th and N Streets, N.W. is a parking lot in the SP-2 District.

4. The site in question is located approximately one block south of the Logan Circle Historic District. The site is also located in the Shaw School Urban Renewal Area. The urban renewal plan designates the subject square for high density residential development on the general land use plan. As provided for under Section 634.13 of the renewal plan,

professional offices are permitted on the ground level of apartment houses.

5. The applicant requests a special exception to permit professional office use of the twelve units occupying the ground floor of the subject property. The original construction contemplated an entirely residential building of 117 units. The twelve units affected by this application contain full bathrooms including showers and tubs, and complete kitchens. The remaining 105 units will be sold as residences.

6. Due to the decline in the residential sales market, the applicant is seeking to permit professional office use of the ground floor units. The applicant has stated that this request, if granted, would provide the maximum marketing flexibility needed to help ensure the viability of the development. No attempt has been made by the applicant to market the proposed units.

7. Each of the units in question would have a separate entrance to the street. Ten units would be entirely self-contained. Two units on the end at the N Street corner would have a fire door leading into the rear of the lobby. The twelve units are all bi-level, with the separate entrance into the upper level providing minimal impact to the residents of the building. The twelve units are each approximately 1,000 square feet in floor area.

8. The applicant will provide security to the above grade living units through the use of television surveillance in the lobby area.

9. The applicants' architect for the project testified that because the subject property was close to the Logan Circle Historic District, he attempted to apply Victorian architectural design features on buildings in the historic district to the building in question. Such features include the use of pronounced arches over openings done in a light or contrasting material. Exterior signs are to be limited to nine by twelve inches according to the condominium by-laws.

10. Access to the subject site is provided by 12th Street, 13th Street, M Street and N Street and the P1, P2, and G4 Metrobuses. Thirteenth Street is a six-lane street, operating in two directions, carrying an average daily traffic volume of 19,000 vehicles. Parking is permitted on both sides of the street except during peak hours. Twelfth Street is a three-lane street, operating one-way northbound, carrying an average daily traffic volume of 13,000 vehicles. Parking is permitted on one side of the street. N Street has a thirty-five foot wide roadway, operating in two directions, with parking on both sides of the street. It

carries an average daily traffic volume of approximately 4,000 vehicles. M Street has a thirty-five foot wide roadway, operating in two directions, with parking permitted on the north side of the street. It carries an average daily traffic volume of approximately 5,000 vehicles.

11. The applicants' traffic expert testified that peak hour conditions measured at the principal intersections affected by the proposed land use, 13th and N Streets, 12th and N Streets, 13th and M Streets, found a level of service "a" condition to exist at each of the principal intersections during peak hours. The Board finds that the proposed professional office use would not affect the existing levels of service.

12. If all of the ground floors units were used for medical offices, twelve parking spaces would be required. There is adequate on-site parking to meet the Zoning Regulations parking requirements for professional office use in the SP-2 District.

13. There is adequate on-site parking to meet the Zoning Regulations' requirements for residential use, even if all of the ground floor units were used for medical offices. The Regulations would require twenty-six parking spaces for the remaining 105 residential units. Forty automobile and seven motorcycle parking spaces are available for the residential units.

14. There is adequate nearby parking for the anticipated professional office visitors. There are several commercial parking lots in the area, the nearest being the 135 space lot diagonally across the intersection of 13th and N Streets. Space that would more likely be used would be along the curbs. There are no parking restrictions on N Street. On 13th Street, two-hour parking is permitted during the day on both sides of the street except for the morning rush hours on the west side and the evening rush hours on the east side. A typical condition would find two vacant spaces on N Street and eighteen vacant spaces on 13th Street between M and O Streets, for a total of twenty curb spaces, or twice the anticipated peak demand.

15. Professional offices are permitted as a special exception in the SP-2 District subject to the requirements of Paragraph 4101.44. The twelve ground floor units, for which the special exception is sought, have a gross floor area of 11,970 square feet. Approximately 8,189 square feet of gross floor area is above grade. Thus, the .59 FAR to be used for professional offices is far less than the maximum permitted FAR of 3.5 for non-residential uses in the SP-2 District.

16. The Office of Planning and Development by report dated January 18, 1982, recommended tht the application be approved. The OPD stated that the application met the conditions specified in Paragraph 4101.44 and the compliance test of Paragraph 8207.2. The OPD stated that the use, height, bulk and design of the subject building was consistent with other buildings in the vicinity. The proposed street level professional office use would be in harmony with existing uses in the neighborhood. The OPD found that no dangerous or other objectionable traffic conditions will result from the proposed use including off-street parking. The proposed physical treatment and the use of the building will not detract from the value of the neighborhood. The OPD also found that the request will be consistent with the purpose and intent of the SP District. The Board so finds.

17. The Board has granted similar special exceptions at 1221 Massachusetts Avenue (BZA Order Nos. 7669, 9484) and at 1420 and 1440 N Street, N.W. (BZA Order No. 13357/13358), and at 1133 - 13th Street, N.W. (BZA Order No. 13259).

18. Advisory Neighborhood Commission 2C did not appear or present any written testimony in this case.

19. The Logan Circle Community Association appeared in opposition to the application. The Association objected to the further intrusion of offices into the area. The Association noted that it did not object to the subject building being allowed the full 6.0 FAR due to its intended 100 per cent residential use. However, for partial office use, the Association objected. The Association further noted that it had proposed in a neighborhood plan that the subject square be rezoned to R-5-B.

20. As to the issues raised by the Logan Circle Community Association, the Board finds as follows:

1. Certain specified office uses are permitted as a special exception in SP Districts. The SP District is not limited to residential uses only. The applicant is under no obligation to demonstrate that the units cannot be used for residential purposes. As a special exception use, the applicant is only required to demonstrate compliance with the standards set forth in the Zoning Regulations.
2. The application proposes to take 0.59 FAR formerly to be devoted to residential use and convert it to office use. There would be no variance in FAR. The total FAR would remain at 6.0 and the office FAR would not exceed 3.5. The building would meet the FAR requirements of

the SP-2 District and would require no variances.

3. The subject property is zoned SP-2. The Board must decide an application based on the Regulations in effect on the day the decision is made.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the application seeks a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied, so as to be entitled to the special exception relief requested in this application. The applicant's proposal to establish professional offices on the ground floor of its newly-constructed ten-story condominium apartment building is in harmony with the use, height, bulk and design of the existing uses and structures on neighboring property. The subject structure is substantially the same height and was built to conform in design to surrounding structures presently in apartment use and is not inconsistent with the diversity of the uses in the neighborhood along 13th Street, which include various retail and service uses, parking lots, office buildings and apartment buildings. The Board further concludes that the applicant's proposed use will not create dangerous or otherwise objectionable traffic conditions.

The Board concludes that no special treatment in the way of design, screening of buildings, accessory uses, signs or other facilities is necessary to protect the value of the neighboring property, in that the applicant's proposal involves no exterior changes to the building.

The Board further concludes that the special exception is 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 is GRANTED subject to the following CONDITIONS:

1. Individual units shall not be directly connected.
2. No permanent physical changes, including removal of kitchens, shall be made that would preclude or discourage the return of the unit to residential use.
3. Signs shall be limited to brass plaques, no larger

than one square foot in area. The number of such signs is limited to one per professional office, not to exceed a total of twelve.

4. The offices are limited to use by an architect, dentist, doctor, engineer, lawyer or similar professional person.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Douglas J. Patton, and Connie Fortune to grant; John G. Parsons to grant by proxy).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: JUN 22 1982

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.