

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13927, of 1515 Limited Partnership, as amended, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use all floors of the subject premises for SP office use other than medical or dental offices in an SP-1 District at the premises 1531-37 P Street and 1501 16th Street, N.W., (Square 194, Lot 813).

HEARING DATES: March 9, April 6 and June 8, 1983
DECISION DATE: July 6, 1983

FINDINGS OF FACT:

1. At the public hearing of March 9, 1983, the applicant moved to amend the application by withdrawing the advertised variance relief from the floor area ratio requirements and the off-street parking requirements. The applicant argued that based on the computations of the architect, neither variance relief was now required. The opposition opposed the motion. The Chair denied the motion and determined that confirmation in writing must be obtained from the office of the Zoning Administrator and made part of the record. The case was continued to April 6, 1983.

2. By memorandum dated March 29, 1983, the Zoning Administrator advised the BZA that, as requested, he had reviewed the plans for the conversion of the subject structures into "SP" office use and concluded that variances from the FAR requirements and parking requirements are not required. The computation sheet of the Zoning Administrator noted that two parking spaces for premises 1501 16th Street/ 1537 P Street were required, that three parking spaces were required for the prior use of the site as a seventeen bedroom rooming house, and that therefore there was no increase in the intensity of use and no parking spaces need be provided. The site 1531-1535 P Street required three parking spaces. Three spaces were required for the prior use as a rooming and boarding house with fifteen bedrooms. Again, no spaces need be provided.

3. At the public hearing of April 6, 1983, the Chair based on the new evidence in the record, granted the amendments referred to in Finding No. 1. In addition, the SP office use of the structure was further limited to exclude medical or dental offices.

4. The subject site is located at the northeast corner of the intersection of 16th and P Streets and is known as premises 1531-37 P Street and 1501 16th Street, N.W. It is in an SP-1 District.

5. The site is rectangular in shape measuring fifty feet on the 16th Street frontage and 100 feet on the P Street frontage. It consists of 5,000 square feet of land area.

6. The site is currently developed with two three story brick buildings erected prior to 1877, which have been found to contribute to the character of the 16th Street Historic District. The District is a Category II landmark of the District of Columbia, which is listed in the National Register of Historic Places.

7. Premises 1501 16th Street also has an address of 1537 P Street, N.W., and was originally designed as a free-standing structure. Subsequently, an addition linking 1501 16th Street/1537 P Street was made to the adjoining structure at 1531-1535 P Street, N.W. Premises 1531-35 P Street, N.W. is a series of former row dwellings which have been altered so as to make one single structure.

8. The applicant proposes to renovate the buildings and use them for SP-type office uses other than medical or dental offices. No specific occupant is known presently for premises 1531-35 P Street. However, the applicant proposes to remove the existing connection between premises 1501 16th Street/1537 P Street and premises 1531-35 P Street, N.W. in order that premises 1501 16th Street/1537 P Street may be occupied by the Center for Science in the Public Interest, a nonprofit organization presently renting space in the Dupont Circle area.

9. The applicant also proposes to repair the historic fabric of the exterior of the buildings as needed and retain significant interior design features in keeping with the guidelines and standards for rehabilitation of Certified Historic Structures promulgated by the Secretary of the Interior. The representative of the Center for Science testified that it will do the same if it gains ownership of premises 1501 16th Street/1537 P Street, N.W.

10. The applicant proposes no additions to the existing buildings, both of which are presently vacant.

11. Paragraph 4101.44 of the Zoning Regulations provides that the Board of Zoning Adjustment may approve office use for a chancery, international agency, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person in an SP District provided that:

- The use, height, bulk and design are in harmony with existing uses and structures on neighboring property (4101.441);
- The use will not create dangerous or other objectionable traffic conditions (4101.442); and
- The Board may require such special treatment in the way of design, screening of buildings, accessory uses, signs and other facilities as it shall deem necessary to protect the value of neighboring property (4101.443).

12. The neighboring area along 16th Street contains a variety of uses characteristic of the SP-1 District. Within 400 feet north and south, the approximate distance between P and Q Streets, along 16th Street there is the large University District of Columbia building, the Foundry Methodist Episcopal Church directly across 16th Street from the subject site, the Carnegie Institution offices adjacent to the subject site, the National Wildlife Federation offices, two elevator apartment buildings, a condominium apartment being renovated, a seven-story building being renovated for office use adjacent to the subject site, six small residential structures and five small structures housing office use. The applicant's proposed professional/non-profit office use for the subject premises is typical of and in harmony with other existing uses in the immediate 16th Street neighborhood.

13. The uses in the R-5-B zoned neighborhood immediately east of the subject site are predominantly residential. These residences relate directly to P and Church Streets and only indirectly to the uses fronting on 16th Street. The applicant's proposed use, while not typical of the residential uses to the east, is in harmony with them.

14. The majority of the buildings on 16th Street are three to four stories in height including the subject building, with the exception of two elevator apartment buildings and two seven-story office buildings. The subject structure is typical in height and bulk to the other existing structures along 16th Street. It is also typical of the two to three-story buildings along P and Church Streets to the east.

15. The architecture of the subject structures is also in character with the other structures on both 16th and P Streets. There will be no exterior changes to the buildings. Because the site lies in an historic district, all exterior modifications, including signage, would be subject to review

and approval by the Historic Preservation Review Board. This will insure that the exterior will continue in harmony with the architectural character of the neighborhood.

16. The contract purchaser of premises 1501 16th Street/1537 P Street, the Center for Science in the Public Interest, would be a compatible use with the surrounding neighborhood. An estimated ten to twelve persons are expected to occupy the premises 1501 16th Street at a given time. The staff of the Center is composed of attorneys, scientists and clerical assistants engaged in research and congressional liason activities. A minimum number of visitors are anticipated to use the site during the projected hours of operation from 9:00 A.M. to 5:00 P.M. Many of the Center's employees live in the immediate area and only three would be expected to drive to work on a regular basis. Staff trips to and from the office during working hours at present are by taxi or by other public transit and are expected to be in the modal split at the proposed new site as at the current offices at 1755 S Street, N.W. There would be only occasional deliveries limited to office supplies. There have been no known complaints from surrounding users as to the Center's current operations which will remain unchanged at the new site.

17. The occupancy of the P Street structures, 6,968 gross square feet of space, is projected to be twenty-five to thirty employees.

18. There are seven bus routes on 16th Street and P Streets. The subject site is located a three block distance from the Dupont Circle Metrorail station.

19. The Zoning Administrator determined that based on the relative intensity of proposed use measured against the parking requirement for the previous use, no parking is required on the site. The applicant's expert traffic witness testified that actual parking needs for professional offices other than medical or dental offices would be approximately six spaces. On the basis of the expert's surveys there were approximately twenty-four times this number available within a two block walking radius of the site. The witness specifically identified a number of monthly spaces available at three parking lots, two in the same square as the subject property and a lot two blocks away at the corner of 17th and Q Streets, in addition to numerous free residential permit spaces and metered spaces to accommodate an anticipated limited number of visitors to the proposed type of SP office use. The Board so finds.

20. The Board held a further public hearing on June 8, 1983. The applicant was directed to submit preliminary architectural plans for the proposed use of the site. The applicant's revised plans indicate that at the eastern end

of 1531 P Street, N.W., adjacent to residential uses in the neighborhood, the existing, apparently original stairway entrance to the former rowhouse will be retained, but will remain inoperative except as a fire egress. The stairway will be restored to provide direct street access to premises 1533 P Street, N.W., in keeping with the original design of this as a townhouse structure. Similarly, the original street access will be restored at premises 1535 P Street, N.W. All new entryway materials will be modeled on the existing stairway access on premises 1531 P Street, N.W., so as to be consistent with the original Victorian character of the design. Existing excavated areaways previously used for trashcan storage and the like will be infilled and appropriate plantings added along the P Street frontages of the structures involved.

21. At premises 1501 16th Street/1537 P Street, the existing concrete surface material which apparently has encouraged utilization of the public space for illegal offstreet parking will be removed and replaced with grass and appropriate shrubbery. The contract purchaser has indicated that it will strictly police utilization of the circular driveway surface to limit the use of it to dropping off occasional visitors to the building, so that parking will not be permitted in said driveway. All ornamental fences and decorative urns will be maintained and repaired as needed.

22. The Office of Planning, by report dated March 1, 1983, recommended that the application be approved. The Office of Planning reported that while it had some concern that some SP Districts were gaining more and more office uses at the expense of residential uses, the Office of Planning was of the opinion that the subject application met the requirements of Paragraph 4101.44 of the Zoning Regulations. Initially, the Office of Planning recommended that the architect move the entrance of the P Street structure to the west to reduce the potential use conflict with the P Street neighborhood. The Office of Planning in a supplemental report dated May 27, 1983, upon a review of the newly submitted architectural preliminary plans for the proposed use, reported that the maintenance and enhancement of the original residential character of the P Street frontage would improve the structure's compatibility with the P Street residential community directly to the east. The Office of Planning further reported that the proposed addition of two entrances west of the existing P Street entrance at the east end of the property and the "emergency only" restriction on use of the existing entrance, 1531 P Street, largely eliminate the potential impact from twenty-five to thirty employees accessing the building from a point only a few feet from the adjacent residence. The Board concurs in the Office of Planning report.

23. Advisory Neighborhood Commission 2B, by letter of March 9, 1983, opposed the application. The Dupont Circle Citizens Association (DCCA) and the Midway Civic Association (MCA) testified at the public hearing in opposition to the application. The grounds of the opposition was as follows:

- a. The proposed use would further erode the residential component of the existing neighborhood in which additional residential and not further commercial use should be encouraged.
- b. The proposed use is not in harmony with existing uses and structures neighboring properties.
- c. The applicant requires variances from the F.A.R. and on-site parking requirements of the Zoning Regulations.
- d. There is an illegal use of the public space adjacent to premises 1501 16th Street for parking of numerous automobiles.
- e. Some of the commercial parking lots identified in the survey of the applicant's traffic expert do not have spaces available. The need for utilization of commercial parking lots caused by conversions of residential buildings to SP use contributes to the continued existence of such commercial parking lots which are disruptive of the quality of neighborhood life.
- f. The opposition's traffic survey contradicts the traffic survey of the applicant that the proposed use would create dangerous or other objectionable traffic conditions.

24. The Board is required by statute to give great weight to the issues and concerns of the ANC. The Board in addressing the concerns of the ANC, the DCCA and the MCA finds as follows:

- a. The subject section of the Dupont Circle area is one of a balanced diversity of uses and includes non-residential uses along major arterials such as 16th Street, on which the subject site fronts, as well as residential and professional offices. Additionally, the applicant has no burden of proof to establish that the subject site is not viable for residential use in order to prevail under Paragraph 4101.44 of the Zoning Regulations.
- b. As found in Finding No. 2 the only relief the applicant requires is a special exception.

If the opposition thought otherwise its remedy was to file an appeal of the decision of the Zoning Administrator.

- c. The applicant proposes to remove the concrete pad adjacent to the existing circular driveway at the premises and to replace it with landscaping and to police the area to assure that no illegal parking occurs on the site. The proposed contract purchaser of the building concurred with this.
- d. The representative of the Midway Civic Association did not contact the operators of the three lots specifically identified by the traffic consultant as having monthly spots available. The testimony of the expert on this point was uncontroverted. Whether conversions to SP use contributes to the existence of commercial parking lots is problematical and not germane to the traffic impact issue. As set forth in Finding No. 19, the Board found the evidence of the applicant's traffic expert to be more persuasive than the survey proposed by the opposition, albeit made by a neighborhood resident.

25. There were letters submitted to the record from the owners of the residential property immediately abutting the subject site to the east (premises 1529 P Street, N.W.) indicating no objection to the granting of the proposed application. There was similar letters of no opposition from the owners of the property immediately abutting the site to the north on 16th Street and immediately across from the site on the southeast corner of 16th and P Streets, N.W.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception to allow conversion of the existing premises from boarding house to professional office use other than medical and dental offices under Paragraph 4101.44 of the Zoning Regulations. The Board concludes that no variances from the FAR requirements or the parking requirements are required for such proposed change in use. The applicant proposes no additions to the existing structure, but rather proposes to make those changes to the existing structures to bring them more in conformity with the original residential architectural quality. The existing buildings are completely in keeping with the architectural character, height and bulk of the surrounding area which lies in a historic district. The Board also concludes that the area in the vicinity of the subject site is a diverse one containing a variety of uses including

office institutional and non-residential uses as well as residential uses, so that the proposed conversion in use is also in keeping with the character of the surrounding area. The Board also concludes that the use will not create dangerous or other objectional traffic conditions. The Board further concludes that the exterior alteration and landscaping plans will provide for the enhancement of the site and protection of the design quality of neighboring or adjacent residential property.

The Board further concludes that all requirements for the approval of the special exception have been met, that the proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to adversely affect the use of surrounding property in this diverse mixes-use neighborhood. The Board has accorded to the ANC "the great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-2 (Carrie Thornhill, William F. McIntosh and Charles R. Norris to GRANT; Douglas J. Patton and Maybelle T. Bennett OPPOSED).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: SEP 27 1983

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 CONSUMER AND REGULATORY AFFAIRS.

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