

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14524, of Scripps Howard Broadcasting Co., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to construct a four story professional office building with one level of below grade parking to be used in part by the American Health Care Association, a non-profit organization and contract purchaser, and for other SP office uses in a SP-2 District at premises 1201 L Street, N.W., (Square 283, Lot 48).

HEARING DATE: December 17, 1986
DECISION DATE: December 17, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 1201 L Street, N.W., is located at the northwest corner of the intersection of 12th and L Streets, N.W. Massachusetts Avenue is located to the north of the site, and 13th Street, N.W. to the west. The site is in the HR/SP-2 District.

2. The site has an area of 9,854 square feet. It is presently vacant and used for surface parking.

3. The neighborhood in which the subject property is located contains a wide variety of uses and is very characteristic of the SP District. Immediately southeast of the subject site is a 12-story office building at 1100 12th Street. At the western end of Square 283 is a 10-story residential apartment building, the Massachusetts House. The remainder of the square includes five two and one half to three story townhouses and one four-story building along Massachusetts Avenue, N.W. Immediately north of the subject property is the three-story Links, Inc. and Links Foundation building, an SP office use. One the south side of the Square along L Street, between the Massachusetts House and the subject site, there is a parking lot and a two and one half story townhouse.

4. Pursuant to Sub-section 8207.2 the applicant is seeking a special exception under Paragraph 4101.44 to construct a four-story SP office building, with one level of below grade, off-street parking.

5. The major occupant of the proposed building will be the American Health Care Association (AHCA). The building will serve as AHCA's headquarters. Originally, the Association will utilize approximately one-half of the building for its immediate space needs. The remaining space will be leased to compatible SP tenants.

6. AHCA is presently located at 1200 15th Street, N.W. The proposed new building will enable AHCA to maintain its D.C. location and will provide a modern headquarters building in the same neighborhood in which it is presently located. The new location is close to the downtown area and close to convenient transportation for AHCA employees and visitors.

7. AHCA is the nation's largest federation of licensed nursing homes and allied long-term care facilities. It has 50 affiliated state associations and a District of Columbia affiliate, representing nearly 9000 individual facility members. AHCA was founded in 1949 to promote standards for professionals in long-term health care delivery, and quality care for residents in a safe environment, with fair payment for services. AHCA and its affiliates are nonprofit associations supported by member dues, publication sales, education program fees, and other services.

8. The proposed building on the site will be constructed to a floor area ratio (FAR) of 3.5, the maximum permitted for non-residential use in the SP-2 District.

9. The proposed building is designed in a style compatible with the surrounding uses and at a height of 52 feet, is in harmony with the height and bulk of existing structures.

10. L Street is a one-way eastbound street, 40 feet wide, carrying approximately 12,100 vehicles on an average day. Twelfth Street is a one-way street northbound, 38 feet wide, carrying approximately 17,200 vehicles on an average day. The intersection of 12th and L Streets operates at a B level of service during peak hours.

11. There are four Metrobus lines one block south of the site on K Street: D2, D4, D6 and D8. The McPherson Square Metrorail station is four blocks to the south and west at 14th and I Streets, and the Metro Center station is four blocks south at 12th and G Streets. Each of these stations is well within acceptable walking distance of the subject site. There are three public parking garages within two blocks of the site, each of which has monthly spaces available. The Traffic Engineer further testified that there is ample parking within the area to service additional visitors to the Building.

12. The applicant's traffic engineer testified that based on current office space occupancy rates in downtown Washington and Council of Government reports for modal split in the area, that there would be a need for 18 spaces in the building. Eighteen spaces are provided. The Traffic Engineer further testified that there are now three curb cuts to the subject site: one on 12th Street and two on L Street. With the proposed use, there would be only one curb cut thereby reducing the current number by two-thirds and reducing the potential points of traffic friction. Access to the parking spaces and the loading facilities will be from L Street, N.W. The parking and loading facilities are adequate. The Board so finds.

13. By memorandum dated December 10, 1986, the Office of Planning (OP) recommended that the application be approved. The OP reported that the existing neighboring buildings in the subject Square are three to five stories in height with one highrise building at the corner of 13th and L Streets. The majority of the buildings in the surrounding area are mid-rise to highrise. The proposed four-story building is in general harmony in bulk and design with the existing development in the subject area. The property is already being used for a parking lot which accommodates approximately 24 cars, so that the proposed one level parking garage in the building would not increase parking at the site. The site is well served by mass transit and is within walking distance from a metro station.

14. By report dated December 10, 1986, Advisory Neighborhood Commission (ANC) 2C, expressed its support for the application. The ANC found that the project is compatible in height, bulk, and design with the neighboring uses and structures, and that the proposed use was appropriate for the site. The ANC believes that the site will not have adverse impacts on traffic and will not adversely impact the neighborhood.

15. By letters the owner of the Massachusetts House, at 1234 Massachusetts Avenue, N.W. and 1101 L Street, N.W. stated their support for the granting of the application noting that the proposed building would be of benefit to the neighborhood community.

16. By letter dated November 20, 1986, Mr. Donald J. Cronin, on behalf of Him W. Wong and Moy G. Wong, raised a concern regarding the construction of the building due to potential damage to their dwelling and the foundations at 1215 L Street, N.W., which is immediately west of the subject site. The Board finds that the concern is addressed by the D.C. Building Code requirements and that there is nothing in the record to indicate that the applicant will not comply with all applicable code requirements at the time of construction.

17. The owners of the building located at 1204 Massachusetts Avenue, N.W. (lot 46) submitted a letter to the record stating that they use the rear of their structure as a fire escape, deliveries and trash removal route. They reported their objection to the building of any structure which totally closes their building in. They requested that access to their building be provided. The Board finds that representatives of the Association are unaware of an a use of the parking lot at the subject site for deliveries or trash removal. Nor is the owner of the site aware of any easement that would grant access across the site for such purposes. Both site have to meet the Fire Code requirements for their own respective sites. These issues are beyond the Board's jurisdiction.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested relief is a special exception, the granting of which requires the applicant to prove that it has complied with the requirements of Sub-section 8207.2 and Paragraph 4101.44 of the Zoning Regulations which allows an office for a non-profit organization to be located in an SP District provided that:

- 4101.441 The use, height, bulk and design are in harmony with existing uses and structures on neighboring property;
- 4101.442 The use will not create dangerous or other objectionable traffic conditions;
- 4101.443 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.

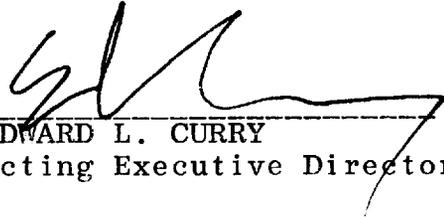
The Board concludes that the use, height, bulk and design of the structure will be in harmony with the use, height, bulk and design of the block within which it is located. The lot intensity usage of the structure will not create any dangerous or objectionable traffic conditions. The Board further concludes that the approval of the application will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to impact adversely the use of neighboring property. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled.

Accordingly, it is ORDERED that this application is hereby GRANTED SUBJECT to the CONDITION that construction shall be in accordance with plans marked as Exhibit No. 25A of the record.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh, Maybelle T. Bennett and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: FEB 11 1987

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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