

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14703 of the Board of Trustees of the Corcoran Gallery of Art, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 508 to allow the addition of an office building with accessory parking to an existing art gallery and variances from the floor area ratio requirements (Sub-section 531.1), the maximum distance allowed from a point where a court niche is less than 3 feet wide formed by a semi-circular bay and an adjacent property line (sub-section 536.8), the minimum width and area requirements of a closed court (Sub-section 536.1) in an SP-2 District at premises 500-530 - 17th Street, N.W., (Square 171, Lot 34).

Hearing Date: December 9, 1988
Decision Date: January 6, 1988

FINDINGS OF FACT:

1. As a preliminary matter, the attorney for the United Unions, located adjacent to the Corcoran Gallery property to the west, filed a Motion to Remand the application to the Zoning Administrator. The basis for the motion was that the case should not be heard because of a failure of the Zoning Administrator to consider, and a failure of the Board of Zoning Adjustment to require, the necessity of review of the application pursuant to Section 510.3 and 306 of the Zoning Regulations. United Unions argued that the proposed parking cannot be considered accessory because it will exceed the minimum number of parking spaces in Chapter 21, and because the garage will be used for all-day commuter parking.

2. United Unions argues that Section 510.3 of the Zoning Regulations requires the Applicant to seek special exception relief for the accessory parking spaces to be located in the garage, in addition to the special exception review for the subject building under Section 508 of the Zoning Regulations. United Unions believes that a garage of an SP office building may not exceed the minimum number of spaces required for the principal use. However, the Board finds that Section 510.3 is a subsection of Section 510 of the Zoning Regulations, which governs accessory parking spaces elsewhere than on the same lot or part of the lot on which the principal SP use will be located. The proposed garage in this case will be located on the same lot as the principal SP office use. Moreover, the Board finds that it

has never limited the number of accessory parking spaces in the garage of a principal SP structure when both are located on the same lot or part of lot. In addition, in this instance, parking is not required pursuant to Section 2100.5, because the Corcoran Gallery is a landmark structure.

3. United Unions next argues that the parking garage for the proposed SP office building must undergo special exception review pursuant to Section 506 of the Zoning Regulations, in addition to the Special exception review for the subject building under Section 508. United Unions also argues that, even if granted, the garage could not be used by the occupants of the office building due to the restriction set forth in Section 506.5. However, the Board finds that Section 506 is intended to apply to a parking garage as a principal use on a lot, and not as an accessory to a principal use on the same lot. A plain reading of that section indicates that it would defy logic to require an Applicant for an SP office use to seek a separate special exception used by the occupants of the building, pursuant to Section 506.5 of the Zoning Regulations. In addition, Sections 2100.1 and 2100.2 generally require that all new buildings constructed provide accessory parking. Thus, under the logic of United Unions, a building could undergo review for special exception relief for the office building and receive approval, and could subsequently undergo special exception relief for the garage, and be denied, and the office building could then be built. The Board finds that this is not the intent of the Zoning Regulations.

4. The Board finds that it has the authority, to rule upon the merits of the issues raised in the Motion to Remand, without remanding the application to the Zoning Administrator. The Board finds that the interpretations of the Zoning Regulations urged by the United Unions are without merit. Therefore, based upon the foregoing, the Motion to Remand is denied.

5. The Trustees of the Corcoran Gallery of Art are the owners of the site at the southwest corner of 17th Street and New York Avenue, N.W., where it operates the Corcoran Gallery and the Corcoran School of Art. The landmark building was designed by Ernest Flagg and opened in 1897. It is an individually designed landmark of the National Capital, and is listed in the National Register of Historic Places.

6. The Corcoran Gallery houses one of the most comprehensive and significant collections of American art in the world. The Corcoran School of Art is the only professional art college in Washington, D.C. Established in 1890, the School's degree program has over 250 full-time students,

and over 1,700 Washington-area participants in its open program. The School offers Bachelor of Fine Arts degrees in graphic design, fine arts and photography.

7. The site is irregularly shaped and contains approximately 68,231 square feet of land area. The site is improved with the Corcoran Gallery building which is approximately 40 feet in height, two stories and occupies approximately 70 percent of the site.

8. Adjacent to the site is the United Unions Building, an SP office building at 1750 New York Avenue, which is the only other building on the square. The site is in the SP-2 zoning district, which is one block wide, and extends from C Street to F Street. The SP-2 District is bounded to the east, south and west by unzoned Federal land, and on the north by a C-3-C District. The square is bounded by 17th Street to the east, New York Avenue to the north, 18th Street to the west and E Street to the south. Across New York Avenue to the north, from east to west are the Federal Deposit Insurance Corporation, and the American Institute of Architects. Across E Street to the south is the national headquarters of the American Red Cross. Further south along 17th Street is the national headquarters of the Daughters of the American Revolution and, beyond that, the Organization of American States. Across 17th Street from the property is the Ellipse, and to the north and across State Place is the Old Executive Office Building. Many of the buildings in the area are individually designated landmarks.

9. The proposed addition to the Corcoran Gallery will be substantially devoted to SP office space, and the Corcoran Gallery anticipates occupying a portion of the building at some time in the future. The rental income from the proposed addition will help to fund the endowment for the Applicant to continue its operations.

10. The proposed addition will add a total of 120,449 square feet of gross floor area (99,000 net square feet) to the existing structure. The overall height of the addition will be seven stories or 88 feet. The design of the proposed addition contains many of the architectural features of the existing building including a replication of the hemicycle on the corner of 17th Street and New York Avenue. Accessory parking will be provided for 142 cars on the lower levels of the building. The proposed addition has been reviewed and has received preliminary approval by the Commission of Fine Arts pursuant to the Shipstead-Luce Act, and the Historic Preservation Review Board pursuant to the Historic Landmark and Historic District Protection Act, pending final zoning approval.

11. The height of the proposed addition is approximately 88 feet, which is less than the 90 foot height limit of the SP-2 zone, and below the 90 foot height of the adjacent United Unions building.

12. The combined bulk of the existing gallery and school building, together with the new office building, will be approximately 3.6 FAR, which is 0.1 FAR above the present limit in the SP-2 zone, but below the 5.5 FAR of the United Unions building directly to the west and below the FAR of many of the other buildings in the area constructed prior to the changes to the SP regulations in 1978. The United Unions building encroaches on the Applicant's property by 55.2 square feet and results in a loss to the Applicant of a total of 431.5 square feet of gross floor area. The new Corcoran SP office building itself will be built to a 1.74 FAR.

13. The architectural style, materials and features of the proposed addition closely match the design of the Corcoran Gallery. The absence of a roof structure on top of the proposed addition is critical to the compatibility of the design of the new building with the existing Corcoran building, and this helps to create an appropriate design transition from the low-scale Corcoran building to the east, to the 90 foot tall United Unions building to the west.

14. The Applicant's traffic expert testified, that the vehicular access to the building will be from E Street, a 3 lane, one-way eastbound street. The expert reported that existing levels of service at the intersections of 17th and E Streets and 18th and E are acceptable. Based on the estimated modal split provided by Council of Governments data, the addition of approximately 65 cars to the existing daily traffic volume of 17,400 cars per day, will not adversely affect existing levels of traffic flow on E Street. The architect testified that the entrance to the parking facility is through a 12 foot wide passage, which widens to 20 feet wide approximately 20 feet into the building. He testified that if necessary, 13 cars could be stacked into this area waiting to park. The traffic expert testified that controls can be provided at the entrance to insure safe ingress and egress and to eliminate any problems associated with this area, and that this same system is used in many other parking garage operations around the City. The Board so finds.

15. The Corcoran Gallery is an individually designated landmark in the area of the city governed by the Shipstead-Luce Act which requires that any addition, alteration or demolition be reviewed by both the Fine Arts Commission and the Historic Preservation Review Board. The approval of these agencies was facilitated by a design that does not include a roof structure for machinery. If a roof structure were to

be incorporated into the design of the building, a combined FAR of 3.87 would be permitted for the building and the roof structure together, pursuant to Section 537.1. The variance is technical in nature, and is needed for consistency of architecture and integrity of design. The absence of a roof structure from the building is essential to its design, and that this will result in a building of a lower overall height than would otherwise be permitted by the Zoning Regulations. The machinery that would otherwise be located in a roof structure on top of the roof will be located within the structure.

16. The existing building occupies 72 percent of the lot and is built to 1.84 FAR and that building over the existing building is not feasible. There is only a limited area to construct the proposed addition.

17. The semicircular design for the addition creates a closed court niche at the northwest corner of the property. The court niche will be 1.67 feet wide. The court will be 9.5 feet wide. The Board finds both the court and the court niche are otherwise open to light and air. As an alternative, the court and court niche could be covered over with a skylight or otherwise filled in with a building, and the variance relief would not be needed. The alternative would eliminate the issue of court regulations but the architectural integrity of the proposed design would be severely compromised. The lot line at this corner provides difficult angles to work with, and that from an urban design standpoint, the proposed design is the most appropriate way to terminate the facade.

18. The Office of Planning (OP), by report dated December 2, 1987, and by testimony at the public hearing, recommended approval of this application. The report stated that the proposed addition of approximately 120,000 square feet to the existing landmark building is designed to finish the exterior face of the New York Avenue frontage. The OP noted that both HPRB and the Fine Arts Commission had approved the design and that the proposed addition seems to be in harmony with the existing Corcoran Gallery of Art and the other office buildings in the area. The report noted the encroachment of the United Unions building, which adds approximately 431.5 square feet of gross floor area to the Applicant's FAR calculation, and indicates that the United Unions building was built to a height of 90 feet and 5.5 FAR. The OP determined that the proposed addition would not cause dangerous or objectionable traffic conditions. Regarding the closed court and court niche, the OP found that both were functions of the semicircular hemicycle design and that light and air were not restricted by this design. The OP added that the Corcoran Gallery was built prior to the 1958 Zoning Regulations, which enhances the

Applicant's case regarding a finding of a practical difficulty. The Office of Planning believes that the Applicant has met its burden of proof.

19. The representative of the Office of Planning testified that he consulted with the Department of Public Works (DPW) regarding parking and traffic as part of his research in preparing the report. Persons from the DPW staff and the representative of OP visited the site to evaluate existing conditions. Based on a review of the plans for the proposed addition, consultation with DPW, and personal observations at the site, OP stated its opinion that parking is adequate and that the proposal will not create dangerous or other objectionable traffic conditions.

20. Advisory Neighborhood Commission 2A met and considered the application at its monthly meeting on December 8, 1987. The Commission unanimously adopted a resolution in support of the application. A letter from the Chair dated December 9, 1987 was filed with the Board. For good cause shown, the Board waived the 7-day rule to allow the report to be submitted.

21. The representative of the Applicant read into the record a letter, dated December 9, 1987, in support of the proposed addition from Carol B. Thompson, the State Historic Preservation Officer for the District of Columbia. The letter commended the Applicant and the architect for the "excellence of their design and the care with which they have addressed the historic preservation issues of the uniquely significant site."

22. There was opposition to the proposed addition from the adjacent property owner, the United Unions. As more fully described above, United Unions raised as a preliminary matter, a Motion to Remand the application to the Zoning Administrator based on parking issues. This motion was denied and the testimony regarding that issue will not be restated here.

23. The United Unions representative stated that the proposed addition would create objectionable traffic conditions due to increased numbers of vehicles coming to the site and due to the 12 foot wide entrance to the garage. The Board finds that the traffic concerns have been addressed and that no dangerous or otherwise objectionable traffic conditions will be created. Further, the Board finds that parking is not required because of the exemption for historic landmarks (Section 2100.5) and that, in any event, the entrance to the garage is adequate and, as conditioned herein, can be controlled through appropriate means.

24. The representative of United Unions further testified that the proposed addition will block the free flow of light and air to its building at the party wall area. Based upon the architect's testimony and the provisions of the Zoning Regulations, the Board finds that the SP District does not require side yards to be provided, and that the Building Code does not require light and air to be provided for office buildings. The architect testified that, under the Building Code, an office building could be build without windows.

25. The representative of United Unions stated that the use of the proposed addition will be commercial leased office space, and therefore, not compatible with existing uses on neighboring property. The Board finds that the intended use is SP office use, which is compatible with neighboring property.

26. The representative of the United Unions testified that the FAR, court and court niche variances requested are functions of the design and that alternative designs could be presented that would make the proposed addition conforming in all respects. The Board concurs with the testimony of the Applicant's architect that the variances requested are technical and that the design of the proposed addition is appropriate for the site in view of the historic significance of the structure.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the Applicant is seeking a special exception and variances, the granting of which requires compliance with Sub-section 3108.1, 3107.2 and Section 508 of 11 DCMR. The Board concludes that the applicant has met the burden of proof. The Office of Planning recommended approval of the application. The use, height, bulk and design will be in harmony with existing uses and structures on neighboring property. The use will not create dangerous or other objectionable traffic conditions. The Board further concludes that the special exception 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 the Zoning Regulations and Maps.

The Board further concludes that the property is affected by an exceptional situation or condition, that strict application of the regulations would result in a practical difficulty. Sub-section 531.1 allows a maximum FAR of 3.5 for the SP-2 zone. The proposed addition will result in an FAR of 3.59 necessitating a variance of 6,352.33 square feet or 2.66 percent. The Board concludes that the variance is technical and minimal. An FAR of 3.87

would be allowed if the structure provided a roof structure. Because of the historic landmark status, a roof structure could not be added. Numerous other structures in the area were built to a greater FAR before the Zoning Regulations were amended to be more restrictive. Section 536.8 requires a court niche width of three feet for the proposed addition. The niche will be 1.67 feet wide necessitating a variance of 1.33 feet, (44.33 percent). Due to the inclusion of the hemicycle design, the proposed building configuration creates an irregular, essentially triangular court niche facing New York Avenue. The court niche is a necessary function of the design which reflects the existing architecturally prominent hemicycle of the Corcoran Building. Section 536.1 requires a minimum closed court width of 12.45 feet and an area of 155 square feet for the proposed addition. The addition will provide a width of 5.28 feet and an area of 176.94 square feet necessitating a variance of 7.17 feet (57.59 percent) and 21.94 square feet (12.39 percent) respectively. The closed court is a function of the semicircular hemicycle design on the New York Avenue frontage. The court is bounded by the property line but is open to light and air.

The Board further concludes that the relief requested will not impair the intent, purpose and integrity of the Zoning Regulations.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled.

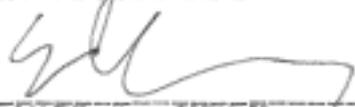
Accordingly, it is ORDERED that this application is hereby GRANTED, subject to the following CONDITIONS:

1. Construction shall be in accordance with the plans marked as Exhibit No. 10, as modified by Exhibits No. 21 and 23A of the record.
2. That ingress and egress to the garage be controlled by a traffic light system allowing orderly passage of vehicles through the area.

VOTE: 5-0 (John G. Parsons, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to DENY the MOTION of the OPPOSITION and GRANT the application; William F. McIntosh to concur by proxy).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: APR 29 1983

UNDER 11 DCMR 3103.1, "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.

order14703/LEE1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14703

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated APR 29 1968, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Christopher Collins
Wilkes, Artis, Hedrick and Lane
1666 K Street, N.W., Suite 600
Wash., D.C.

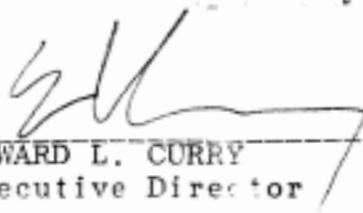
Benny L. Kass
1050 17th Street, N.W.
Suite 1100
Wash., D.C. 20036

Charles L. Clapp
Chairperson ANC 2A
1920 G Street, N.W.
Wash., D.C. 20006

P-600 311 996

ANC-2A

14703


EDWARD L. CURRY
Executive Director

DATE: APR 29 1968