

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14730, as amended, of Wynmark Development Corporation, pursuant to 11 DCMR 3108.1, for special exception under Section 508.1 to allow office use for an international organization, non-profit organization labor union, architect, dentist, doctor, engineer, lawyer or similar professional person for a proposed hotel and special purpose office building with an accessory parking garage in the HR/SP-2 District at premises 1212 Massachusetts Avenue, N.W., (Square 283, Lots 35, 45, 805, 806, 807, 813, 814, 815 and 824).

HEARING DATE: February 10, 1988
DECISION DATE: March 16, 1988

FINDINGS OF FACT:

1. At the public hearing, the applicant amended the application to include Lot 805, to the area of the site and withdrew the request for a variance from the loading berth, loading platform and service/delivery loading space requirements of Sub-section 2201.1. The applicant, as a result of obtaining Lot 805, is able to fully comply with the loading requirements for the proposed development.
2. The subject site is located on the south side of Massachusetts Avenue between 12th and 13th Streets, N.W. and is known as 1210-1216 Massachusetts Avenue and 1217-1223 L Street, N.W. The site is zoned HR/SP-2.
3. The site is irregular shaped with approximately 111.43 feet of frontage on Massachusetts Avenue and approximately 79 feet of frontage on L Street. It consists of approximately 14,478 square feet of land area. The site is vacant except for a two-story row dwelling.
4. Immediately abutting the subject property to the west, is the Massachusetts House, a ten-story residential apartment building. To the east of the subject site, is the Swiss Inn, a four-story bed and breakfast inn. Further to the east, is a four-story office building which houses the headquarters for the Links Foundation. To the south is a four-story office building which is currently under construction for use by the American Health Care Association.

5. Directly north of the subject site on Massachusetts Avenue is the Cambridge House, a ten-story brick apartment building. To the northwest of the site, is the Belvedere Apartments, an eight-story apartment building. Located to the south of the subject property on the west side of 13th Street is a twelve-story office building.

6. To the north of the subject property between Massachusetts Avenue and M Street is a ten-story office/-residential building known as the Horizon House. Also, north of the subject property on the east side of 13th Street is an eight-story residential brick building known as the Barley. On the north side of Massachusetts Avenue between 11th and 12th Streets is a ten-story apartment building known as the Burke Park.

7. Pursuant to Section 3108.1, the applicant is seeking a special exception under Section 508.1 to construct an eleven-story office and ten-story hotel complex with three levels of below grade parking. The office component of the project is subject to special exception approval pursuant to Section 508.1 of the Zoning Regulations.

8. The hotel use is allowed as a matter-of-right pursuant to Section 1101.4 of the Zoning Regulations, and hence is not subject to review by the Board.

9. The proposed floor area ratio (FAR) of the project is 8.5 of which 3.5 would be allocated to the office component and 5.0 to the hotel component. The office component will contain a gross floor area of 44,495 square feet and the hotel component will consists of 78,568 square feet. The office component will be 110 feet in height and the hotel component 103 feet. The project will contain a lot occupancy of 80 percent.

10. Both the office and hotel components will front on Massachusetts Avenue and each will have a separate entrance and lobby. The project will have a parking garage and a service entrance off of L Street, N.W. A courtyard will be centrally located in the hotel component between the Massachusetts Avenue and L Street frontage of the property.

11. Vehicular access to the proposed project will be from the parking garage on L Street. The parking garage will be located on three levels below grade and provide 107 parking spaces. Trash removal for the project will also be located off of L Street.

12. The applicant is required by the Zoning Regulations to provide 72 off-street parking spaces for both the office and hotel components of the project. However, the applicant is providing 107 parking spaces of which 21 will be located

in the vault area, subject to the approval of the Department of Public Works (DPW). Of the total spaces, 24 will be allocated to the office use.

13. The architect for the project testified that the proposed building is designed in an neoclassic architectural style to be compatible with the surrounding uses. He stated that the 110 foot height is in harmony with the height and bulk of existing structures. The Board so finds.

14. At the public hearing, the applicant submitted revised plans showing minor modifications in the design of the facade as a result of meetings with the Advisory Neighborhood Commission (ANC) 2C. Specifically, design elements from the Belvedere, a neighboring apartment building, have been incorporated into the facade of the project.

15. The architect testified that the project, taking its cue from the Belvedere, has a rustic base with arched entry ways. The main body of the proposed building will consists of panelized construction designed to reduce the apparent bulk. Brick accents will tie in with the neighboring architectural details and materials. The window treatment of the building has been revised to present a residential image. The Board so finds.

16. The project will be landscaped with trees, shrubbery and variations of grass in accordance with DPW streetscape standards.

17. The traffic consultant for the project testified that the proposed office/hotel use will not create objectionable or hazardous conditions for traffic, site access and circulation, parking or loading. He stated that the increase in trips caused by the development of the site are insignificant when compared to the traffic volumes in the area. The operating conditions in the vicinity of the site are a function of current traffic flows and will not be affected by development of the subject site.

18. The traffic consultant testified that the area is will served by Metrobus routes. Buses run on 12th, 13th and K Streets with routes that serve a wide area of the City. The site is in the proximity of both the Blue Line and Red Line Metrorail stations. The McPherson Square Metrorail station is four blocks to the south and west at 14th and Eye Streets, N.W. and the Metro Center Station is four blocks south at 12th and G Streets, N.W. Each of these stations is within a reasonable walking distance of the subject site.

19. The traffic consultant also testified that in addition to the 107 parking spaces to be provided in the project, several public parking facilities are located near the site. The Atlantic Garage is directly across L Street to the south of the site. The Colonial Parking Garage is

located on the southwest corner of 13th and L Streets and the MetroPark Garage is located on the northeast corner of 13th and K Streets, N.W. Each of these lots are within two blocks of the site.

20. The traffic consultant further testified that based on the space available for occupancy by the office tenants, there would be a need for 24 parking spaces. The applicant, by providing 107 parking spaces, has exceeded the need. He further stated that the parking and loading facilities are sufficient to meet the needs of both the hotel and office components of the proposed project. The Board so finds.

21. By memorandum dated February 3, 1988, the Office of Planning (OP) and through testimony at the hearing, recommended that the application be approved. OP stated that the eastern portion of the Square is developed with three to five-story structures and the western portion is developed with a ten-story residential apartment building. The majority of the buildings in the surrounding area are mid-rise to high-rise. The proposed eleven-story office/-hotel complex is in general harmony in bulk and design with the existing development in the area of the site. The property is presently vacant with the exception of Lot 805 and the proposed use will enhance the neighborhood. The site is well served by mass transit and is within walking distance of several Metrorail stations.

22. By letter dated February 13, 1988, the Advisory Neighborhood Commission (ANC) 2C expressed its support for the application. The ANC expressed its concern that the architectural design should be more sympathetic to the surrounding uses and recommended that the applicant incorporate some of the design elements of the Belvedere to make it more compatible. The letter further stated that the proposed project will enhance the site and will not adversely impact the neighborhood or traffic.

23. Letters of support were received from owners of property in the area of the site such as the Massachusetts House at 1234 Massachusetts Avenue, N.E., the American Health Care Association at 1201 L Street, N.W. and the Links Foundation, Inc. at 1200 Massachusetts Avenue, N.W.

24. A representative of the owners of the Swiss Inn located at 1204 Massachusetts Avenue, N.W., testified in favor of the project and the architectural modifications to the proposed project made by the applicant. He stated, however, that the proposed project would obstruct an easement or right of way existing on Lot 45 for the purpose of gaining access from Lot 46 to Massachusetts Avenue and would jeopardize the existence of a metal fire escape extending over into Lot 46. He stated that the easement is recorded in the Land Records of the District of Columbia, but he

offered no evidence in support thereof. He stated that a letter had been mailed to the Board in January accompanied by a deed setting forth the existence of an easement. The letter nor the deed could be located at the time of the hearing.

25. The Board requested that the owners submit documentation evidencing the existence of an easement on the applicant's site by February 17, 1988.

26. The applicant indicated that it had been verbally notified of such an easement, but was not aware of a recorded agreement. The applicant indicated that it was prepared to provide one of the means of access over its property (Lot 45) if evidence was produced supporting the existence of such an easement.

27. As requested by the Board on February 11, 1988, the owners filed a letter referencing the document number of a recorded easement providing access to Massachusetts Avenue from Lot 46 by way of Lot 45 on the applicant's property.

28. On February 24, 1988, the applicant responded to the owners letter acknowledging the existence of an agreement in the Land Records evidencing a 4 foot 10 inch wide right of way through its property. In its letter, the applicant further states that it will provide a 5 foot wide right of way on Lot 45 of its property and relocate the metal fire escape in accordance with a revised plan (Exhibit No. 40B of the record).

29. By telegram dated February 29, 1988, the owners of the Swiss Inn objected to the relocation of the fire escape as indicated in the applicant's revised plans. The applicant by letter dated March 9, 1988 submitted a further revised plan maintaining the fire escape in its present location and providing the 5 foot wide easement over Lot 45, is marked as Exhibit No. 44A of the record. By letter dated March 12, 1988, the owner of the Swiss Inn agreed with the further revised plans.

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, the granting of which requires substantial evidence that the applicant has complied with the requirements of Section 3108.1 and Section 508.1 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof.

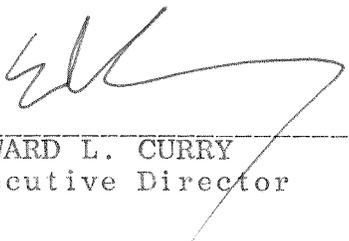
The Board concludes that the use, height, bulk and design of the structure will be in harmony with the use, height, bulk and design of the block within which it is

located. The use 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. 32 as amended by Exhibit No. 44A of the record.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

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

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUN 24 1988

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.

14730order/LJP39

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14730

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 JUN 24 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:

Angela E. Vallot, Esq.
Jones, Day, Reavis & Pogue
1450 G Street, N.W., 7th Floor
Wash, D.C. 20005

Clarene Martin, Chairperson
Advisory Neighborhood Commission 2-C
Garrison Elementary School
1200 S Street, N.W., Suite 202
Washington, D. C. 20009

Alex E. Nussbaumer
1204 Mass. Ave., N.W.
D.C. 20005

Ernest & Ruth Nussbaumer
24 Warren Street
Rumson, New Jersey 07760


EDWARD L. CURRY
Executive Director

DATE: JUN 24 1968