Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 290
CASE NO. 78-6P
August 9, 1979

Pursuant to notice a public hearing of the District of Columbia Zoning Commission was held beginning on January 18, 1979, and continued on March 22, May 17, and June 7, 1979. At these hearings sessions, the Zoning Commission considered an application by the American Trucking Association for preliminary approval of a Planned Unit Development, and a related map change.

FINDINGS OF FACT

1. At the initial public hearing held on January 18, 1979, the Zoning Commission admitted the Bay State Tenants Association, represented by Sophia Menatos, as a party. The Chairman ruled that while Advisory Neighborhood Commission 2-B did not meet the requirements of Section 2.44 of the Rules of Practice and Procedure, the Chairman would waive the rules and admit the ANC as a party because of the special status given to ANC's. The Chairman ruled that Robert D. Westgate, the Dupont Circle Citizens Association, represented by Anne Sellin and Harriett Hubbard, and the Berkley House Tenants Association, represented by Mark Wincek and David Chatman, did not meet the requirements of Section 2.44 and would not be admitted as parties.

2. Prior to the further hearing on the case held on June 7, 1979, the Dupont Circle Citizens Association, represented by William Franklin, requested the Commission to reconsider it's decision and admit the Association as a party relative to the consideration of the revised proposal at the further hearing. At the further hearing, the Chair ruled to admit the Association as a party at that point.

3. On February 8, 1979, the Zoning Commission adopted Order No. 251, which amended the Planned Unit Development process as contained in Section 7501. Paragraph 7501.92 of the new regulations provides:

> "A planned unit development which has already received preliminary approval or for which an application was

> filed before the effective date of this section may continue to be processed to completion in accordance with the regulations in effect at the time of filing, or may be processed in accordance with this revised section at the option of the applicant with the approval of the Zoning Commission."

This application has been and is being processed under the Regulations in effect on the date the case was filed, not the new Regulations adopted by the Commission in Order No. 251.

4. This application is a request for preliminary approval of a Planned Unit Development filed by the American Trucking Association, for Lots 816-819, 846, 847, 89, 90, 91, 94 and 159 in Square 181. The square is bounded by 16th, 17th, and "P" Streets, and Massachusetts Avenue, N. W. The site is located on the south side of "P" Street, extending through the block to "O" Street and to the northeast corner of the intersection of 17th and "O" Streets, N. W. The site contains approximately 55,000 square feet.

5. At the time the original application was filed, on January 30, 1978, the property was zoned R-5-D and SP. The application proposed a change of zoning to C-3-B for the entire site.

6. The American Trucking Association occupies an existing six story office building located at 1616 "P" Street. The building is the National Headquarters of the ATA. The remainder of the site is currently used for a variety of purposes, including surface parking, a one-story auto repair shop, a liquor store on the ground floor of a residential-type building, a pair of semi-detached houses and two townhouses used for offices of the ATA.

7. The Planned Unit Development proposes the expansion of the American Trucking Association's national headquarters facilities. An addition is proposed for the existing office building on "P" Street at the same height of seventy-two feet. Another two story addition is proposed for the southern portion of the square fronting on 17th and "O" Streets, N. W. This portion of the facility would be two stories in height and would provide space for neighborhood oriented retail services at ground level.

8. The Zoning Commission considered the application at its public meeting held on April 13, 1978, to determine whether a public hearing should be scheduled on the application. At that time, the Commission considered the report of the Municipal Planning Office, dated March 24, 1978, and deferred a decision

on the scheduling of a hearing, because of the pending map and text cases related to the overall Dupont Circle area. The Commission also discussed the zoning requested by the applicant, and considered whether the zoning requested allowed a greater density than the applicant needed to accomplish its plans.

9. On June 5, 1978, the ATA submitted an amended application to the Commission. This application proposed essentially the same construction as originally proposed. However, rezoning to SP and C-2-A instead of C-3-B was requested.

10. The Zoning Commission considered the amended application at its public meeting held on July 13, 1978. The Commission determined to schedule a hearing on the amended application, but set the date of that hearing as January 18, 1979. The Commission intended to dispose of the overall Dupont Circle cases first, before hearing this individual application.

11. On September 14, 1978, the Zoning Commission adopted Order No. 235, which amended the Zoning Regulations regarding the SP District. All property which was then zoned SP, including part of the subject site, was redesignated to SP-2.

12. On June 14, 1979, the Zoning Commission adopted Order No. 282, which rezoned various sections of the Dupont Circle area. All of that portion of the subject site which was zoned SP-2 was rezoned to SP-1.

13. The effect of the amended application was to allow for the expansion of the office spaces of the ATA. The height proposed of seventy-two feet was less than the maximum permitted height of ninety feet in either R-5-D or SP. The floor area ratio proposed of 3.39 was less than the 6.0 permitted in either zone. The rezoning from R-5-D to C-2-A and SP would have allowed retail/office and professional office uses in locations where such uses are now prohibited.

14. The applicant at present occupies a six story office building on Lot 846 containing 76,600 square feet of gross floor area fronting on "P" Street. The proposed new development is for a twin office building abutting the existing building on the west and utilizing the forty-four foot extension of the SP zone. The new building would be the same height as the existing building, seventy-two feet. This building would extend south through the alley, which would be closed, to connect with a two-story, twenty-seven foot building which would occupy all of the site south of the alley. The two-story building would house additional office space, support functions and conference rooms, and retail stores at the ground level on the 17th Street frontage.

Present surface parking would be removed and 230 parking spaces would be provided underground in the new development. The total new development proposed is 97,200 square feet of office space, 16,000 square feet of support space, 7,500 square feet of retail space and 230 parking spaces. The overall FAR, including total existing and proposed space, would be 3.39.

15. Square 181 lies near the boundary between the Central Employment Area and the Dupont Circle residential community. The SP zone was mapped on either side of Massachusetts Avenue and north on 16th Street to act as a transition zone between the two areas and provide for a mixture of residential and limited office uses. Such a mixture has resulted, with office uses more predominant along Massachusetts Avenue and to the south and residential development predominating to the north.

16. Opposite Square 181 on the west are high density apartment buildings and a group of townhouses. On the south frontage of "O" Street are the First Baptist Church, a two-story theater, and surface parking. To the north, across "P" Street are a Methodist Church, the Stead Playground, a cleaning establishment, two townhouses and surface parking. Across 16th Street to the east is a mixture of institutional, office and residential development.

17. The ATA was founded in the District of Columbia in 1933, and has been at the present location since 1957. The national staff contains more than 270 persons. The ATA is a confederation of state associations, and also includes thirteen separate conferences, each representing a distinct type of trucking operation. The national staff provides engineering, safety, economic research, public and government relations, traffic and data processing service for the ATA, and also publishes a weekly national newspaper called Transport Topics.

18. The ATA staff has grown too large for the present space available. The ATA presently has employees scattered throughout the District of Columbia and the suburbs. It is the intention of the ATA to consolidate all its activities in the Washington area on the subject site.

19. The amended application is consistent with the intent and purposes of the PUD process, as specified in Sub-section 7501.1. The proposed development included a mix of both office and neighborhood retail commercial uses. The project was designed to match the height and density of the existing ATA building and the structures which surround the site. All existing surface parking lots were to be removed and replaced with parking in

structures or below ground. The development would have served as part of the transition in height, bulk and use between the primarily office/retail/commercial area to the south and the primarily residential area to the north.

20. The application would result in substantial economic benefit to the District of Columbia. Employment would be increased by over 400 jobs, the dollar value of the payroll would be increased and additional jobs now located outside the District of Columbia would be relocated into the city. There would also be increases in real estate taxes to the city and money paid to various service and supply contractors. In addition, the proposed retail services would be attractive for the area as a whole.

21. The Office of Planning and Development, by report dated January 12, 1979 and by testimony at the hearing, identified a number of major planning and policy issues. The OPD related the proposal to the overall planning and zoning context for the Dupont Circle area, and to the zoning map and text proposals before the Zoning Commission in Cases No. 78-1, 78-2, and 76-24. The OPD reported that the general thrust of the SP text amendments and of the Dupont Coalition and MPO recommendations is to continue a mixture of uses in the area, but with greater emphasis on retaining and expanding residential uses within that mix, and to strengthen Massachusetts Avenue as the dividing line between predominantly high-density office-retail use to the south and predominantly residential use to the north. The Commission generally concurs in that rationale, but notes that it must decide each specific case based on the facts presented therein. Recognition of the needs of the ATA and the desirability of retaining the ATA in the District of Columbia was cited by the OPD as a desirable objective, with which the Zoning Commission concurs. The OPD discussed the design of the proposed development along "P" Street, and cited the need to provide adequate light and ventilation for residential property to the west. The Commission concurs. The OPD discussed the effect of the proposed retail commercial space on the existing 17th Street commercial strip to the north, and concluded that the provision of additional retail space may slow down commercial revitalization in the existing C-2-A area. The Commission so finds. The OPD further cited the loss of potential residential development, in that low density commercial use precludes the possible future development of a site now zoned for high density residential use. The Commission concurs. The OPD recommended that the Zoning Commission approve the preliminary application, provided that the project be revised to include at least 70,000 square feet of residential space and that adequate light and ventilation be provided to

the Berkley House and adjacent townhouses by reducing the building height of the proposed addition or by setting the addition further away from those residential uses.

23. The Department of Environmental Services, by memorandum dated December 28, 1978, reported that water and sewer services were adequate to serve the proposed development, that erosion control regulations would minimize adverse effects during construction, that the development would create no long term negative noise or air pollution impacts, and that there would be no significant impact on solid waste collection activities. The Commission so finds.

24. The Department of Transportation, by memorandum dated March 20, 1979 and by testimony at the hearing, reported that 230 parking spaces was an adequate and reasonable number of spaces to serve the project and that the development would not cause a change in the level of service of intersections in the area. The Commission so finds. The Department also recommended changes in the configuration of the alley to provide more adequate servicing to the building.

25. There were letters of record in support of the application from several nearby property owners. The Metropolitan Washington Board of Trade supported the application, because the ATA was typical of the kinds of business activity that the Board of Trade tries to attract to the District of Columbia, and because the ATA had developed a plan sensitive to the needs of the community within which it is located.

26. A representative of the Advisory Neighborhood Commission 2-B testified at the public hearing. The ANC opposed the application, on the grounds that the site should be used for housing. The ANC cited problems associated with parking, traffic and pollution, and contested the claims of the applicant as to the economic benefits which would result from the application. The ANC did not submit a written report setting forth its issues and concerns in the record of this case.

27. The Dupont Circle Citizens Association opposed the application on the grounds that the proposed development was too close to the Berkley House, that the entire site should be reserved for housing, and that the applicant did not demonstrate how the application complied with the purposes of the PUD process.

28. The Bay State Tenants Association opposed the application on the same grounds as the Dupont Circle Citizens Association

as well as the fact that there is no need for additional retail commercial space on 17th Street. The Berkley House Tenants Association and other neighboring residents and individuals opposed the application on the grounds already cited.

29. As to the issues raised by the ANC and the other parties and persons in opposition, the Commission finds as follows:

A. The Commission concurs that a substantial housing component should be included in the proposed development. The Commission does not concur that the entire site should be used for housing, and notes that the existing office building was built in 1957, and that the continued use and expansion of that building is appropriate.

B. The testimony presented by the applicant's traffic witness and the Department of Transportation reveal that there will be a very minimal increase in traffic as a result of this development.

C. The evidence submitted by the ANC on pollution fails to demonstrate that this particular development will have any direct impact on pollution. To the contrary, the Department of Environmental Services reported that there will be no long term negative noise or air pollution impacts.

D. By conditions to be imposed on the approval of the application, the Commission will insure adequate light and air for the adjoining residential properties to the west.

E. There is no need for additional commercial zoning in this area.

F. The applicant did present sufficient evidence to show that the proposed development is consistent with the intent and purposes of Section 7501.

30. Following the close of the original hearings and the close of the record, the Zoning Commission discussed this case at its public meeting held on May 10, 1979. At that time, the Commission determined that the proposed development must include a substantial residential component if it were to be approved by the Commission. In order to determine whether the applicant would submit such a revised proposal, the Zoning Commission

set a further hearing for May 17, 1979.

31. The further hearing on May 17, 1979 was limited strictly to the issue of whether the applicant would submit a revised proposal which incorporated a residential component into the project. The applicant testified that it would submit such a revised proposal, if the Zoning Commission allowed the opportunity to do so. Advisory Neighborhood Commission 2-B appeared at the hearing and supported the inclusion of a residential component.

32. The Commission set a further hearing for June 7, 1979 to consider a revised proposal to be submitted by the applicant. The applicant was directed to serve copies of the revised proposal on the parties to provide them the opportunity to review the plans.

33. The revised proposal submitted by the applicant substituted a 130 foot apartment house for the two story retail/office building at the northeast corner of the intersection of 17th and "O" Streets, N. W. The apartment building would contain 115 units, and would have retail uses on the first floor. The development also included recreational and common facilities for the residents of the apartment house. The revised proposal also includes separate parking facilities for the office and residential components. The proposal also provided for a greater setback between the proposed addition and the existing Berkley House apartments. The applicant proposes to rezone the apartment house site to C-2-B to accomodate the proposed development.

34. The traffic to be generated by the revised proposal would not be materially different from the amount generated by the earlier proposal, and could be accomodated without difficulty on surrounding streets.

35. The Office of Planning and Development by report dated June 1, 1979 and by testimony at the further hearings, supported the concept of the revised proposal. The OPD did recommend that the height of the apartment building be limited to 110 feet. The Commission finds that the evidence does not support any increase in height over the ninety feet now permitted as a matter-of-right.

36. The Department of Transportation, by testimony at the further hearing, reported that the revised proposal would have no measureable impact on the level of service on surrounding streets. The Department further reinforced its consistent

policy of recommending one parking space for each residential unit.

37. Advisory Neighborhood Commission 2-B, the Dupont Circle Citizens Association and the Bay State Tenants Association opposed the 130 foot apartment building as being out of character with the existing height and development in the area. The Commission agrees.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling development of the subject site, since control of the use and site plan is essential to insure compatibility with the neighborhood.

2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned residential and institutional developments which will offer a variety of building types with more attractive and efficient overall planning and design without sacrificing creative and imaginative planning.

3. Approval of the application would be consistent with the purposes of the Zoning Act.

4. The proposed application can be approved with conditions which would insure that development would not have an adverse effect on the surrounding community.

5. The approval of the application would promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Maps of the District of Columbia.

6. The Zoning Commission has accorded to the Advisory Neighborhood Commission the great weight to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby orders approval of the preliminary application for a planned unit development for lots 816-819, 847, 94, 846, 159, 89, 90 and 91 in Square 181, located at 17th, "O" and "P" Streets, N. W., subject to the following guidelines, conditions and standards:

1. An application for a change of zoning from R-5-D and SP-1 to SP-2 for Lots 846, 159, 89, 90 and 91 shall accompany the application for final approval. Lots 94, 847 and 816-819 shall remain zoned R-5-D and shall not be changed.

2. The total floor area ratio for the entire project shall not exceed 6.0, the level permitted in the SP and R-5-D Districts under the PUD regulations governing this application.

3. The development shall include no more than 97,200 square feet of gross floor area for office space and 16,000 square feet of gross floor area for support space, both in addition to the 76,600 square feet of gross floor area in the existing building at 1616 "P" Street. All such office and support space shall be for the exclusive use of the American Trucking Association and its associated organizations and conferences.

4. The buildings for office and support space shall not exceed seventy-two feet in height, exclusive of roof structures, which shall not exceed eighteen feet, six inches in height above the level of the roof upon which they are located.

5. The western wall of the proposed office building addition for Lot 846 shall be no closer than thirty feet from the nearest wall of the Berkley House apartment building, located on Lot 820. The applicant shall study further the possibility of providing an additional ten foot separation between the two buildings, and shall set the office building back to increase adequate light and air for the Berkley House.

6. The facades of the existing office building and the proposed addition along "P" Street shall be as harmonious as possible in their design and materials.

7. The development shall include a minimum of 70,000 square feet of gross floor area for an apartment house. The apartment house shall be located in the southwest corner of the subject square, on Lots 94, 847 and 816-819. The maximum height of the apartment building shall be ninety feet exclusive of roof structures, which shall not exceed eighteen feet, six inches in height above the level of the roof upon which they are located.

8. Residential recreation space shall be provided for the occupants of the apartment building. Such space may be located on the roof, in the building, at ground level or elsewhere, provided that a minimum of seventy per cent of such space shall be open to the sky.

9. The development may include no more than 150 off-street parking spaces for employees of the American Trucking Association and no more than seventy off-street parking spaces for visitors to the ATA. The development shall provide a minimum of one parking space for each dwelling unit. All such parking spaces shall be either underground or covered. The parking spaces for the dwelling units shall be self-contained and separate from the office parking, and shall not be used for commercial purposes. The applicant shall submit with the final application a parking management plan which insures that no more than 150 spaces will be used for employee parking. Consistent with the goal of the Zoning Commission to reduce commuter parking in the District of Columbia, if the size of the office development is reduced below the level proposed in the application, the number of employee and visitor parking spaces shall be reduced proportionately.

10. The applicant shall submit with the final application a staging plan for the construction of the total project.

11. The applicant shall revise the design of the facade of the office/support building along "O" Street to eliminate any adverse effects on the streetscape and adjoining property resulting from the height and design of that portion of the building.

Vote of the Commission taken at the public meeting held on July 17, 1979: 3-0 (Walter B. Lewis, John G. Parsons and Ruby B. McZier to approve with conditions, Theodore F. Mariani and George M. White not present, not voting).

BY ORDER OF THE D. C. ZONING COMMISSION

RUBY B. McZIER
Chairperson

STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on August 9, 1979 by a vote of 4-0 (Walter B. Lewis, George M. White, Theodore F. Mariani and Ruby B. McZier to adopt, John G. Parsons not present, not voting.

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final on 14 AUG 1979.