

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 804
Case No. 96-1
(Map Amendment @ 1920 N Street, N.W.)
September 9, 1996

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on June 17, 1996. At that hearing session, the Zoning Commission considered an application from W.T. Galliher & Bro. Inc., to amend the Zoning Map of the District of Columbia. The public hearing was conducted in accordance with the provisions of Title 11, District of Columbia Municipal Regulations (DCMR), Section 3022.

FINDINGS OF FACT

1. The application which was filed on January 18, 1996, requested a change of zoning from DCOD/SP-2 to DCOD/C-3-C for Lot 75, in Square 116.

2. The property included in this application is known as 1920 N Street, N.W. The property is owned by the applicant, W.T. Galliher & Bro. Inc. The property, consisting of Lot 75 in Square 116, contains approximately 19,832 square feet of land area and is improved with a seven-story red brick office building, construction of which was completed in 1981. The subject property was zoned SP in 1958.

3. The subject building was constructed pursuant to Board of Zoning Adjustment Order No. 12666 to an FAR of 5.3 pursuant to the then existing SP zoning regulations.

4. On March 1, 1996, the Zoning Commission, at its regularly scheduled public meeting approved the setting down of this application for a public hearing. The Office of Planning also recommended that this application be given a public hearing pursuant to its report dated February 29, 1996.

5. The applicant requested the rezoning of the subject property from the DCOD/SP-2 District to the DCOD/C-3-C District to conform the subject site's zoning to the Comprehensive Plan Generalized Land Use Map designation of the property as "High Density Commercial".

6. The subject property, known as 1920 N Street, N.W., is located on the south side of N Street, N.W., between 19th Street to

Z.C. ORDER NO. 804
CASE NO. 96-1
PAGE NO. 2

the east and 20th Street to the west. The subject property is generally rectangular in shape and consists of 19,832 square feet of land area.

7. The property has been recently renovated and meets ADA and other modern building code standards and could compete in the rental market were it not for the limitations imposed by the SP zoning. The subject property is located within the Central Employment Area.

8. The subject property is located in Square 116 which is bounded by M and N Streets and 19th and 20th Streets. Square 116 is substantially improved by office buildings developed to C-3-C zoning standards. Dupont Circle is located two blocks north of the subject property. The Dupont Circle Metrorail subway station is located 1 1/2 blocks north of the subject property.

9. The subject property is located within a one-block walk of several Metrobus routes on the surrounding street system which includes New Hampshire Avenue, Connecticut Avenue, 19th Street, and M Street, N.W.

10. The subject property is surrounded by the following land uses and zone districts. On its south side, within Square 116, the subject property abuts DCOD/C-3-C zoned and developed property. Square 116 is designated "High Density Commercial" on the Comprehensive Plan Generalized Land Use Map. There are four large seven- to nine-story office buildings located immediately south of the subject property in Square 116, including the Federal Communications Commission. Retail and service uses occupy the street level space in these buildings.

11. The subject property fronts on N Street, N.W. N Street is one-way westbound, with an 80-foot public right-of-way width. Across N Street is Square 115. Square 115 is divided in half by Sunderland Place. Sunderland Place also serves as the zoning boundary separating the SP-2 District on the south side of Square 115, from DCOD/C-3-C zoning on the north side of Square 115. Immediately across N Street from the subject property is 1300 19th Street, N.W., a seven-story office building located in the DCOD/SP-2 District. Square 115 is also occupied by several other office and commercial buildings of various size, including 1333 New Hampshire Avenue, N.W. This 12-story office building is located in the DCOD/C-3-C District. Other uses in Square 115 include the Historical Society of Washington, the Suram office building at 21 Dupont Circle and an office building at 1320 19th Street, N.W., all located in the DCOD/C-3-C District. The 172-unit Lauren Condominium is located at 1301 20th Street, N.W., in the DCOD/SP-2 District. The Lauren Condominium contains a large number of office

Z.C. ORDER NO. 804
CASE NO. 96-1
PAGE NO. 3

tenants. Square 115 is designated in its entirety as "High Density Commercial" on the Comprehensive Plan Generalized Land Use Map.

12. The chancery of Egypt occupies Square 99N in its entirety. This square is located in the DCOD/SP-2 District. Immediately abutting the subject property on its east side are the parking lot and offices of the Defenders of Wildlife. The Dupont Medical Building is located to the southeast of the subject site in Square 116, within the DCOD/C-3-C District. Farther east is 19th Street. Nineteenth Street is one-way southbound, with a 110-foot public right-of-way. Across 19th Street are Squares 138 and 139. Square 138 is occupied by several office, commercial, retail and service uses (restaurants, movie theaters, etc.) Square 139 is developed with office buildings and retail and service uses. Both squares 138 and 139 are located in the DCOD/C-3-C District in their entirety and are designated "High Density Commercial" on the Generalized Land Use Map of the Comprehensive Plan.

13. On its west side, the subject property abuts a three-story row structure. This building is occupied by an office use. There are two other similarly-sized row structures located on the southeast corner of 20th and N Streets, which are occupied by restaurants. Farther west is 20th Street, N.W. Twentieth Street carries one-way traffic northbound, and has a 90-foot wide public right-of-way. Across 20th Street is Square 99. Square 99 is occupied by the 282 unit, eight-story Embassy Square apartment house hotel in the R-5-E District. The R-5-E Zone permits buildings to a maximum height of 90 feet. The remainder of Square 99 is occupied by two, nine-story office buildings in the C-3-C District.

14. The DCOD/C-3-C District permits matter-of-right development, including office, retail, housing, and mixed uses to a maximum height of 90 feet, a maximum floor area ratio (FAR) of 6.5, and a maximum lot occupancy of 100 percent. Similarly, the SP-2 District permits a maximum height of 90 feet, and a maximum total FAR of 6.0, of which 3.5 FAR may be devoted to special purpose office use with BZA approval.

15. The Generalized Land Use Map of the Comprehensive Plan, dated May, 1995, places the subject site in the midst of a large area recommended for "High Density Commercial" use. The existing DCOD/SP-2 zoning is not consistent with the Comprehensive Plan designation of "High Density Commercial."

16. The applicant in testimony, and in the written submission to the record, stated that the limitation on permitted tenants by the SP zone is a detriment to the site, particularly at a time when the District is in fierce competition to retain businesses and their tax revenues and jobs. The DCOD/C-3-C District also differs

from the SP-2 District by not requiring BZA approval of a special exception for office uses, which adds time and uncertainty to the process. Many prospective tenants are unwilling to accept the uncertainty of outcome and the additional time required for the BZA process. Consequently, these tenants seek rental alternatives elsewhere.

17. The applicant's land planning expert testified that the proposed zoning to DCOD/C-3-C is consistent with the land use pattern in the surrounding area. There are numerous office, retail and service uses in the area.

18. The applicant's property management expert testified that rezoning to DCOD/C-3-C would not create any adverse impacts on the surrounding area, and would be advantageous to the District of Columbia in protecting its job and tax base. Vacant and partially vacant buildings generate significantly less tax revenue in both real estate and sales taxes than fully occupied buildings. The subject property is large enough to accommodate the parking and loading demands associated with the construction of a building constructed to the maximum allowable DCOD/C-3-C standards which would be only 1.0 FAR larger than the building presently located on the site.

19. The testimony and written report of the applicant's transportation expert stated that the surrounding public street system is operating at a level which is capable of handling the traffic demands associated with a rezoning to DCOD/C-3-C.

20. The applicant's land planning expert, presented testimony, and submitted evidence to the record which stated that the proposed map amendment from DCOD/SP-2 to DCOD/C-3-C would further the health, safety and general welfare of the District of Columbia. Development under DCOD/C-3-C zoning would allow a development which is consistent with surrounding uses, height and density. DCOD/C-3-C zoning of the site would allow for the development of the site in scale with the surrounding zoning and development patterns in the area. The rezoning would be consistent with sound planning and zoning principles, and development under the DCOD/C-3-C zoning would not have an adverse impact on surrounding property.

21. The applicant's submission stated that the existing land uses and existing zoning demonstrate that the area is essentially fully developed and has been allowed to develop with heights and densities matching those which are allowed under the DCOD/C-3-C provisions. The 90-foot height allowed under DCOD/C-3-C is the same height now permitted on the subject property and on the property to the north, east, south, and west of the site in the

existing DCOD/SP-2 and DCOD/C-3-C Districts. The 6.5 FAR allowed under DCOD/C-3-C is only .5 FAR greater than the 6.0 FAR permitted as a matter of right in the DCOD/SP-2 District for residential and/or mixed use where the SP office component does not exceed 3.5 FAR.

22. Advisory Neighborhood Commission 2B did not participate in the public hearing or submit a report into the file of the case.

23. The Dupont Circle Citizens Association (DCCA) by letter dated June 17, 1996, wrote in opposition to the proposed rezoning of the property. No one from the Association appeared in person at the public hearing. DCCA's submission indicated its concern that in addition to the site being close to commercially-zoned property to the south, it is equally close to residentially-zoned property to the east and northeast. DCCA noted that the rationale for the SP zone is to provide a transitional buffer between the downtown residential zones and commercial development, and that the proposed map amendment, if approved, would breach the buffer zone and threaten the residential neighborhood.

24. The District of Columbia Office of Planning (OP) by memorandum dated June 7, 1996, and by testimony presented at the public hearing recommended that the application be approved. OP stated, in part, the following: "the Office of Planning concludes the proposed zoning of the subject property from DCOD/SP-2 to DCOD/C-3-C has merit for approval. The proposed rezoning is consistent with the Comprehensive Plan. There is a sufficient land use and zoning rationale to support such an approval. Accordingly, it is recommended that the Zoning Commission grant the approval of the proposed rezoning of the site to DCOD/C-3-C, for zoning consistency purposes.

25. The proposed decision of the Zoning Commission was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganizations Act. NCPC, by report dated July 30, 1996, found that the proposed map amendment would not adversely affect the Federal Establishment or other Federal interest in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to DCOD/C-3-C is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.

Z.C. ORDER NO. 804
CASE NO. 96-1
PAGE NO. 6

2. Rezoning to DCOD/C-3-C will promote orderly development in conformity with the entirety of the District of Columbia zone plan as stated in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to DCOD/C-3-C is not inconsistent with the Comprehensive Plan for the National Capital.
4. Rezoning to DCOD/C-3-C will not have an adverse impact on the surrounding neighborhood.
5. In considering its decision on this case, the Zoning Commission notes that the ANC did not participate in the case.
6. Pursuant to D.C. Code Sec. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply with the provisions of D.C. Code, Title 1, Chapter 25 (1987), and this order is conditioned upon full compliance with those provisions. The failure or refusal of the applicant to comply with any provisions of D.C. Law 2-38, as amended, shall be a proper basis for the revocation of this order.

DECISION

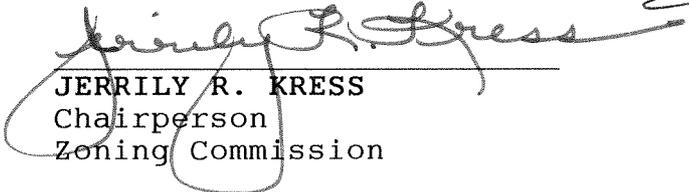
In consideration of the Findings of Fact and Conclusions of Law set forth in this order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of a change of zoning for Lot 75 in Square 116 from DCOD/SP-2 to DCOD/C-3-C.

Vote of the Zoning Commission taken at the public hearing on June 17, 1996: 4-0 (John G. Parsons, Maybelle Taylor Bennett, Herbert M. Franklin and Jerrily R. Kress, to approve; Howard R. Croft not present not voting).

This order was adopted by the Zoning Commission at its public meeting held on September 9, 1996 by a vote of 4-0 (Herbert M. Franklin, Maybelle Taylor Bennett, Jerrily R. Kress and John G. Parsons to adopt; Howard R. Croft, not voting, not having participated in the case).

Z.C. ORDER NO. 804
CASE NO. 96-1
PAGE NO. 7

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register; that is, on NOV 1 1996.



JERRILY R. KRESS
Chairperson
Zoning Commission



MADELIENE H. DOBBINS
Director
Office of Zoning

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