

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- January 18, 1967

Appeal No. 9085 Motion Picture Association of America, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on March 28, 1967.

EFFECTIVE DATE OF ORDER -- July 31, 1967

ORDERED:

That the appeal for permission to erect an SP office building and a variance from the rear yard requirements of the SP District to permit same at 1600 Eye Street, NW., lot 803, square 186, with the subsequent amendments, be granted.

FINDINGS OF FACT:

- (1) The subject property is located in an SP District.
- (2) The property is improved with a three story and basement brick and stone building known as the Tuckerman House.
- (3) The building is on the list of landmarks of the Joint Committee on Landmarks.
- (4) At the public hearing, the appeal was amended to include a request for roof structure approval under Section 3308 of the Zoning Regulations together with a request for a variance for the roof structure size.
- (5) It is proposed to erect an eight (8) story office building to house professional offices and primarily the offices of the Motion Picture Association of America. It is believed that the Association will occupy approximately 20% of the building, initially.
- (6) The Motion Picture Association of America is a non-profit organization within the meaning of the Zoning Regulations as set forth by exhibits:

(a) Certificate of Incorporation of Motion Picture Producers and Distributors of America, Inc., now changed to Motion Picture Association of America, (BZA Exhibit No. 4)

(b) Certificate of the Superintendant of Corporations of the District of Columbia indicating that Motion Picture Association of America has complied with the provisions of the District of Columbia Non-Profit Corporation Act. (BZA Exhibit No. 4a)

(c) Letter dated October 6, 1950 from the Deputy Commissioner of the Internal Revenue Service ruling that Motion Picture Association of America is exempt from the federal income tax laws. (Exhibit No. 4b)

(7) The appellant proposes to provide below ground parking for 128 automobiles. Under the Regulations off-street parking for 70 cars is required.

(8) The area of the subject property is 22,308 square feet and the proposed ^{building - KPS} will have an FAR of 5.5.

(9) The proposed roof structure will house air conditioning and other mechanical equipment.

(10) The area of the roof structure will be 9,313.56 square feet with an FAR of .4116. Alternate plans for the roof structure were submitted.

(11) The material and color of the street facade and the roof structure will be precast off-white stone and aluminum.

(12) The southwest end of appellant's property abuts a twenty (20) foot public alley thus making it impossible for appellant to keep the same lines of the building and provide the required rear yard. At that end of the property there is a four (4) foot rear yard.

(13) The roof structure portion of this appeal was filed and heard under plan by Vlastimil Koubek, AIA, and Associates, drawings No. A-17, A-18, A-21, A-22, A-23, and A-24, approved as noted by Mr. Arthur P. Davis, architect-member of the Board, on July 27, 1967 showing a low profile for the roof structure.

(14) The Department of Highways and Traffic offers no objection to the granting of this appeal but comments:

"The construction of other office buildings in this area, have created no unusual traffic problems. We believe, therefore, that the construction of this office building should not have an adverse effect on traffic at this location.

"We have no objection to the proposed vault on 16th Street, NW. However, since the attached prints do not show whether or not this vault includes Eye Street and the adjacent alleys, we cannot approve or reject proposed vaults on either Eye Street or in the alleys."

(15) The National Capital Planning Commission offers no objection to the granting of this appeal.

(16) By letter dated June 16, 1967, counsel for appellant requested that the appeal be amended to include a request that:

- (a) Covington & Burling, a partnership of lawyers, be permitted to occupy floors 5,6,7,8 and part of the 4th floor and who may, in the future, occupy the balance of the 4th floor and all or part of the 2nd and 3rd floors.
- (b) The Zoning Administrator be authorized to approve occupancy of the building by other tenants, at later dates, who come within the categories described in Section 4101.42 of the Zoning Regulations.

(17) The Board amended the appeal to include this request at its meeting of June 20, 1967 and granted the amendment requested in No. 16.

(18) There was no opposition to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that the granting of this appeal for erection of this special purpose office building will be in harmony with existing uses on neighboring and adjacent properties and that the building will not create any dangerous or otherwise objectionable traffic conditions.

We are also of the opinion that appellant has shown a hardship within the meaning of the Zoning Regulations sufficient to permit the requested excess in roof structure FAR and for the variance from the rear yard requirements of the SP District. The requested relief can be granted without substantial detriment to the public good and without impairing the purpose or integrity of the zone plan as embodied in the Zoning Regulations and Map.

Primary occupancy will be by the Motion Picture Association of America. The subject appeal was amended to request occupancy by the law firm of Covington & Burling. We find that this occupancy is within the intent and purpose of Section 4101 of the Zoning Regulations. Such occupancy will have no adverse affect upon the use of neighboring and adjoining property.

The Zoning Administrator is hereby authorized, without further action by this Board, to permit occupancy of space in the Motion Picture Association of America building by architects, dentists, doctors, engineers or lawyers. Any other professional persons shall require Board of Zoning Adjustment review and approval. The Board retains jurisdiction over the use of space in the subject building by non-profit organizations.

This Order shall not be construed to limit the floor area or the location of any approved tenant within the subject building.