

Before the Board of Zoning Adjustment, D. C.

Application No. 12181 of ERH Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3105.44 to lease, on a commercial basis, nine (9) excess parking spaces located in the off-street, underground parking garage of the Embassy Row Hotel in the R-5-D District at 2015 Massachusetts Avenue, N. W., Square 94, Lot 31.

HEARING DATE: September 21, 1976

DECISION DATE: September 21, 1976 (Bench Decision)

FINDINGS OF FACT:

1. The garage, of which the nine (9) excess parking spaces are a part, is located in an R-5-D District.
2. The garage comprises the three (3) basement levels and a portion of the lobby level of the Embassy Row Hotel (the "Hotel") and was constructed in conjunction with construction of the Hotel during the period 1968-1970.
3. The nine (9) parking spaces are in excess of those reserved by law for Hotel guests and restaurant patrons. A Zoning Computation sheet executed in November 1968, Job Number 68-324, authorized construction of sixty-eight (68) parking spaces, while noting in Paragraph 16(c) that only fifty-nine (59) parking spaces were required by the Zoning Regulations to serve the Hotel's projected 215 rooms. The Hotel has recently been remodeled and now has only 203 rooms. The fifty-nine (59) parking spaces provide ample parking for Hotel guests and restaurant patrons.
4. The provisions of Article 74 of the Zoning Regulations applicable to commercial use of parking garages located within a building are satisfied in that the garage has one entrance/exit which is accessible and which is located more than twenty-five (25) feet from the nearest street intersection.
5. No dangerous or otherwise objectionable traffic condition will result from approval of the Corporation's request for a special exception. The existing parking garage will not be renovated, nor will any new construction be undertaken. Rather, nine (9) of the existing sixty-eight (68) parking spaces will be leased on a commercial basis. Such use of the spaces will in no way affect the volume, character or flow of traffic in the neighborhood, since potential use of all sixty-eight (68) parking spaces clearly was contemplated by the Department of Housing and Community Development,

as evidenced by its approval of construction of sixty-eight (68) parking spaces in the above-mentioned Zoning Computation sheet. Moreover, the prior owner of the Hotel leased parking spaces in the garage throughout the period 1970 - October 1975, and there is no evidence that this practice resulted in any dangerous or otherwise objectionable traffic condition.

6. The present character and future development of the neighborhood will not be adversely affected by continued leasing of the nine (9) excess parking spaces. Off-street parking spaces will continue to be available to local residents and to employees of and visitors to the numerous foreign embassies and consulates located in the area.

7. Leasing of the nine (9) excess parking spaces is reasonably necessary and convenient to other uses in the vicinity. The Hotel is located in an area comprised largely of privately owned townhouses and foreign embassies and consulates. Parking for residents and employees of and visitors to the embassies and consulates is inadequate. Continued leasing of the spaces will help alleviate the parking problem.

8. The Bureau of Traffic Engineering, by report dated May 12, 1976, recommended unconditional approval of the Corporation's application.

9. The Director of the Department of Transportation, by letter dated May 19, 1976, recommended approval of the Corporation's application.

10. Four residents of the neighborhood expressed their support of the Corporation's application in letters delivered to the Board on August 16, 1976.

11. No written opposition to the Corporation's application was filed with the Board. A representative of a local citizens' group testified at the hearing that the group supported the application provided the "Public Parking" sign is removed.

CONCLUSIONS OF LAW:

Based upon the above findings of fact and the evidence of record, the Board concludes that ERH corporation has met the requirements of Paragraph 3105.44 of the Zoning Regulations in that all relevant portions of Article 74 of the Zoning Regulations are complied with, no commercial advertising signs will be displayed outside the garage or Hotel, no dangerous or otherwise objectionable traffic conditions will result from continued leasing of the nine (9) excess parking spaces, the present character and future development of the neighborhood will not be adversely affected by such leasing, and leasing of the spaces is reasonably necessary and convenient to other uses in the vicinity. The Board further finds that the special exception can be granted in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property. It is therefore ORDERED the application be GRANTED, Subject to the following CONDITIONS:

- a. The existing "Public Parking" sign be removed immediately.
- b. No affixed or moveable signs be placed on the building or implanted in the driveway.

VOTE:

4-0 (Lilla Burt Cummings, Esq., William S. Harps, Leonard L. McCants, Esq., William F. McIntosh to grant; Ruby B. McZier, Esq., not voting, not having heard the case)

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

ATTESTED BY:



ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER:

12/14/76

THAT THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.