

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12391 of Lester Kraft, pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exception under Paragraph 3101.46 to establish an institution of higher learning (the Univeristy of Southern California School of Education) and under Section 7203 to reduce the amount of required parking in the R-5-B District at the premises 1763 R Street, N.W. (Square 153, Lot 20).

HEARING DATE: April 20, 1977

DECISION DATE: May 17, 1977

FINDINGS OF FACT:

1. The property is located on the north side of R Street between 18th Street and New Hampshire Avenue. The lot is approximately 2,300 square feet in area and is improved with a four story brick structure containing approximately 18 rooms.

2. The building is presently being used by the University of Southern California without a property Certificate of Occupancy. The last Certificate of Occupancy for the premises was for an art school with less than 75 students per floor (No. B-15592, dated January 28, 1959) which would have permitted 300 students in the building. The art school was discontinued in 1972, and the property was unused until the School of Education occupied it in the beginning of 1977.

3. The applicant proposes to establish its Washington Center for the School of Education on the premise. This would be the only building used by such a center in the District of Columbia. The building would thus constitute the entire campus, for the purposes of Paragraph 3101.46. The applicant proposes to make no structural changes to the building, and will utilize it in its present size and condition for the teaching, research and administrative functions of the School.

4. The School will have a maximum of four faculty members (two full time and two part time) and four administrative personnel. The School will offer the degrees of Master of Education, Doctor of Philosophy in Education and Doctor of Education to students who already have significant professional experience in education.

5. Classes would be held primarily on Friday evenings, Saturdays and Sundays. There will be some evening activities during the week for a small number of people. There will be a maximum of 35 students, two faculty members and four staff people on the premises at any one time. The administrative personnel will be the only users of the building during the normal work day.

6. There will be a maximum of 45 seats in the building, and a maximum of four teachers. Sub-section 7202.1 would required that nine parking spaces be required. The applicant proposes to provide three parking spaces at the rear of the lot, with access to these spaces from a 12 foot public alley which connects to 18th Street and Riggs Place.

7. Sub-section 7203.1 authorizes the Board to reduce the required amount of parking by not more than 25 per cent. The reduction from nine to three spaces exceeds 50 per cent.

8. Adjacent to the subject property to the east is an apartment building. A three story apartment building adjoins the property to the west. The remaining structures in the 1700 block of R Street include the offices of the French Military Attache at New Hampshire Avenue, and the offices of the National Parks and Conservation Association at 18th Street. Immediately across R Street from the subject property is the Washington headquarters of the Eastern Star.

9. The general area in which the subject property is located is characterized by a variety of uses and zoning categories. To the north and west of the site is an R-5-B Zone in which large residences and apartments are found, as well as a number of office uses. East of the site is an R-5-C Zone in which residential, office (including chancery) and institutional uses are found. Similar uses are found in the SP District to the south of the site. Academic institutions previously approved by the Board in the area included property at 1701, 1709 and 1716 New Hampshire Avenue.

10. The area is well served by public transportation, including both bus and rail service.

11. The Municipal Planning Office, by report dated April 15, 1977 and by testimony presented at the hearing, recommended approval of the application, subject to the granting of a variance for the parking reduction or the provision of additional parking space to serve the site. The Municipal Planning Office report stated in part "the proposed use of this property is not likely to become objectionable to adjoining or nearby properties".

12. Advisory Neighborhood Commission 2B, by memorandum dated April 20, 1977 and by testimony at the hearing, opposed the application on the grounds that the building could and should be used for residential purposes, the impact on parking of additional students in the area, and the further intrusion of non-residential facilities into a residential zone.

13. The North Dupont Community Association and the Dupont Circle Citizens Association, by testimony presented at the hearing, opposed the application on the grounds that there was no evidence to justify the parking variance and that adequate parking was not available in the area.

14. There was testimony from residents of the 1700 block of 18th Street concerning congestion in the alley caused by cars parked in one of the three spaces located behind the building.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the proposed School of Education is a proper academic institution of higher learning, and that the proposed use of the subject premises as a campus is permissible. The Board concludes that the institution is so small that it will require the use of the subject premises only, and that the information and testimony presented by the applicant satisfies the request to prepare a campus plan. The Board concludes that the proposed use represents a substantially less intensive use of the property than the previous approved use, and that this will reduce whatever negative effect may have been associated with the property. The Board concludes that the applicant's proposed use of the premises at off-peak periods, as far as parking and traffic are concerned, will minimize any negative effects which might otherwise occur. The Board concludes that the proposed use will be in keeping with

the existing mixed use character of the area, and will not have an adverse impact on adjoining or neighboring property.

The Board concludes that it cannot grant the requested parking reduction as a special exception, since the reduction exceeds 25 per cent. The Board concludes that it cannot grant a variance, since no proof of practical difficulty was presented by the applicant. The Board is concerned that the proposed use not adversely impact the alley at the rear of the property, and that adequate parking be provided. It is therefore ORDERED that the use of the property as an academic institution of higher learning be approved as requested by the applicant, subject to the following CONDITIONS:

- a. This application is approved for a period of ONE YEAR only which may be renewed at the discretion of the Board upon the filing of a property application.
- b. No more than two cars at any one time may be parked at the rear of the subject premises (Square 153, Lot 20).
- c. The applicant shall make arrangements to provide the nine required parking spaces in the immediate vicinity of the site as long as the use continues.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Charles Norris, Leonard L. McCants, Esq to grant)

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

ATTESTED BY: _____

Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

13 JUL 1977

THAT THE 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12391, of Lester Kraft for permission to establish an institution of higher learning (University of Southern California, School of Education) and for a reduction in the required parking. The property is in the R-5-B District; at 1763 "R" Street, N. W., Lot 20, Square 153. Filed pursuant to Sub-section 8207.2 of the Zoning Regulations for special exceptions under Paragraph 3101.46 and Section 7203.

HEARING DATE: April 20, 1977

DECISION DATE: May 17, 1977

DISPOSITION: Application Granted by a vote of 4-0 (Walter B. Lewis, William F. McIntosh, Leonard L. McCants, Charles R. Norris to grant).

FINAL DATE OF ORDER: July 13, 1977

ORDER

Upon consideration of the Motion to Reconsider and Deny dated July 25, 1977 filed by Dupont Circle Citizens Association and North Dupont Community Association, the Board finds that the motion fails to state an acceptable basis of error on the part of the Board to support a Motion for reconsideration. It is therefore ORDERED that the Motion be DENIED.

DECISION DATE: August 3, 1977

VOTE: 5-0 (Walter B. Lewis, Chloethiel Woodard Smith, Leonard L. McCants, William F. McIntosh and Charles R. Norris to Deny).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 26 SEP 1977