

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12595 of Amalgamated Management Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to establish a parking lot in the R-4 District at the premises 213-215 E Street, N.E. (Square 755, Lots 831 and 832).

HEARING DATE: March 15, 1978

DECISION DATE: April 5, 1978

FINDINGS OF FACT:

1. The subject property is located in an R-4 Zone District on the south side of E Street, N.E. between 2nd and 3rd Streets.
2. By BZA Order No. 8974, dated December 16, 1966, the Board granted conditional permission for a period of two years to operate a parking lot at the rear of 213-215 E Street, N.E. as accessory parking for a three story office building at 415 2nd Street, N.E. By BZA Order No. 9436, dated January 29, 1968, the Board continued the use of the same lots for the same purpose for a five year period but extended the lots from the rear to the front of E Street, N.W., the two structures formerly standing having then been demolished. By BZA Order No. 11332, dated January 26, 1973, the Board continued the use of the entire subject lots as a parking lot for a period ending on July 5, 1975.
3. By BZA Order No. 11973, dated December 12, 1975, the Board denied the continuation of the subject parking lot on the grounds that the use was not in harmony with the general purpose of the Zoning Regulations and would have an adverse affect upon the use of neighboring property. In addition, the applicant did not meet the burden of proof required under Paragraph 3104.44 of the Zoning Regulations.
4. The subject lots are presently vacant. The land is covered with an all weather impervious surface. The lots have not been used since December 12, 1975 when, as aforementioned, the BZA denied the application.

5. The applicant, a new owner of the subject property, proposes to use the subject property as a non-attended parking facility. This parking lot would be used for the overflow of taxi cabs in conjunction with the businesses of the Amalgamated Casualty Life Insurance Company at 425 2nd Street, N.E. The facility is also proposed to serve the parking needs of an office building at 415 2nd Street, N.E., which the applicant is presently remodeling.

6. There are eight spaces located in the building at 415 - 2nd Street which could presently be utilized. The applicant testified that he is not using the available spaces until the renovation of the building is complete. The building at 425 2nd Street, N.E. also has existing parking facilities adjacent to the building in the C-2-A District.

7. The property is located in close proximity to Union Station and is well served by public transportation. The Board finds it is not unreasonable for the customers, employees and visitors of the property at 415 2nd Street to be encouraged to use such transportation. The Board finds that no case has been established that additional parking for that building is necessary.

8. The present use at 425 2nd Street attracts a large number of taxis on a rapid turnover basis. The nature of the business is such that at some times the demand for spaces is quite high at other times, quite low.

9. The building at 425 2nd Street is in a C-2-A District, and office use of the premises is permitted as a matter-of-right. The insurance company use could be terminated at any time, thus changing the demand for parking spaces, or the insuring of taxis could cease.

10. Lot 833, located at 219 E Street, N.E., is a parking lot that has a capacity of approximately twelve cars. By BZA Order No. 11287, dated September 4, 1973, the Board granted permission for five years for the lot to provide accessory parking in conjunction with the subject Lots 831 and 832 to the commercial building at 425 2nd Street, N.E. Lot 833 has not been used since the Board denied the continuance of the subject lots as a parking lot. There is no access to Lot 833 using the existing gates and curb cut on E Street without crossing the subject lots or the sidewalk.

11. Entrance and exit to the subject lots is through a curb cut on E Street. The applicant plans to eliminate that entrance/exit on E Street and gain access to the lot from 2nd Street through the parking area behind the building at 425 2nd Street. The curb cut on 2nd Street is opposite to the opening of the curb cut to the Senate parking lot. Metrobuses have been routed to travel southward on 2nd Street from F to Massachusetts Avenue. The Board finds that the above factors would result in objectionable traffic conditions by adding more traffic to 2nd Street.

12. Pursuant to Paragraph 3104.44, this application was referred to the Department of Transportation, for its review and report. By memorandum, dated March 3, 1978, on the basis that the lot is being used for employee parking, the Department recommend that approval of the lot not exceed a four year period, so that the accessibility by mass transit could then be reviewed. The Board finds that this recommendation should be rejected, since the Department considered the lot to be an existing lot now in operation, when in fact that is not the case.

13. Opposition to the application was voiced by several neighboring owners of property on the grounds that the subject property is zoned for residential uses as is most of the property on this block of E Street, N.E.; that a parking lot is not an appropriate transition between commercial office buildings with their existing parking areas and the residential properties to the east and is incompatible with the residences across the street from the parking lot; that a parking lot is not appropriate to an area that is in the purview of the Capital Hill Historic District; that the requested use will adversely affect the present and future development of the neighborhood; that the present use of the subject property violates the character of the neighborhood and Zoning Map; that the granting of the subject application would lead to the continuation of the parking lot on Lot 833 which abuts the subject lot and is presently not used; that the applicant's redress is a change in zoning, not a special exception; and that the proposed use would create dangerous traffic conditions as well as congestion in the subject area.

14. The Capitol Hill Restoration Society, Inc., opposed the application on the grounds that residentially zoned lots should not be used to provide additional parking spaces for nearby commercial properties; that the reasons for the Board's denial of the aforementioned BZA Application No. 11973 are the same today as they were on December 12, 1975; that adverse effects upon the present character and future development of this predominantly residential neighborhood would result from the use of these lots as a parking lot, even if the current applicant were to comply with the conditions of screening and maintaining the lot which were imposed by the Board in 1968, BZA Order No. 9436, but never complied with by the previous owner of the property, that such screening and maintenance cannot mitigate the adverse effects of the proposed use on traffic congestion and public safety nor can the proposed screening wall diminish the unsightly view which a parking lot inevitably presents to the second-story windows of neighboring residences; and that the present neighborhood is well serviced by Metrorail and Metrobuses.

15. The Stanton Park Neighborhood Association also opposed the application on the grounds expressed by the neighbors and the Capital Hill Restoration Society, Inc.

16. Advisory Neighborhood Commission 6A, made no recommendation on the application.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact the Board concludes that the application does not comply with Paragraph 3104.44 of the Zoning Regulations. The granting of this application would result in unacceptable objectionable traffic conditions by adding significantly more traffic to 2nd Street. The Board is persuaded by the testimony in opposition and concludes that there could be an adverse effect on the present character and future development of the neighborhood by allowing parking to be reinstated on these properties. Based on the presence of existing parking for the buildings to be served by this lot and the fluctuating demand for parking for one of the uses, the Board concludes that the proposed parking lot is not reasonably necessary to other uses in the vicinity. The Board further concludes that the granting of the application would not be in harmony with the general purpose

and intent of the Zoning Regulations and map and would tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to deny, Leonard L. McCants not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: 29 JUN 1978