

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12610 of George Washington University, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to establish a parking lot as a college or university use in the R-5-C District at the premises 2140, 2142 and 2146 Eye Street, N. W., (Square 77, Lots 823, 824 and 860).

HEARING DATE: March 15, 1978
DECISION DATE: April 5, 1978

FINDINGS OF FACT:

1. The subject property is located at 2140, 2142 and 2146 Eye Street, N. W., on the south side of the street between 21st and 22nd Streets and is in an R-5-C District.

2. It is proposed that the subject parking lot will be combined with an adjoining parking lot in the same square which it surrounds. Said parking lot, lot 822, was approved by BZA Order No. 11958, dated October 8, 1975, for a period of three years.

3. Three buildings, one of which contained apartments and two of which housed University offices were razed recently because they were damaged structurally by Metro construction. The property is now vacant and in an unimproved state.

4. The proposed parking lot will provide twenty-two spaces to serve the needs of the University. It will be for students, faculty and staff and will not be a commercial parking lot. It is intended as a temporary use.

5. The subject property is located within the George Washington University Campus Plan boundaries as approved by the Board. The University Campus Plan designates the subject properties for development in the second stage of the campus development. The University plans to construct a new academic cluster in the subject square in the near future, and would use this site for staging of construction operations by the contractors.

6. The parking lot is adjacent to an existing University parking lot to the east and across an alley to the south. There are four residential buildings located to the west of the site across a three foot public alley. The University has proposed no landscaping, screening or buffer to serve as a transition between the houses and the parking lot to lessen the impact of the lot.

7. The University's campus plan which was reviewed and approved in 1970 by the Board of Zoning Adjustment established a requirement for 2700-3000 parking spaces. George Washington University must provide the physical facilities, including parking, which are essential to its staff, faculty, students, patients, attending physicians and visitors. The faculty, staff and on-campus enrollment approximate 23,000 people. There is also a 500 bed hospital and a large medical out-patient load with its daily flow of visitors. In aggregate, there are about 24,000 to 25,000 people who expect to use the University's parking spaces each day.

8. The applicant further testified that sixty per cent of the University's parking spaces are in temporary surface lots that are future building sites. Last year, the University permanently lost sixty-two spaces from construction of the St. Mary's Court housing. The University will lose 356 next year from construction of the World Bank and the University's Academic Cluster. Some of that loss will be offset by terminating the PMI lease of a 220 car lot on square 103. However, the net loss will still be 136 spaces, which is about four per cent below the approved minimum. When the Cluster is completed, the University will again be within its requirement.

9. The nature and scope of the University's activities are not the typical 9:00 a.m. to 5:00 p.m., five day a week operation. Much of the employment is a shift nature or teaching mode. Schedules change frequently limiting ability to use public transportation or car pools. Many of the work shifts begin or end after subway transportation is operating.

10. The University, under the Board's approval has leased its land at 2006, 2010-2016-2018 and 2024-2026 "G" Street, N. W. and 2007-2029 "F" Street, N.W., as a commercial parking lot that has a capacity for two hundred-twenty spaces.

11. The Municipal Planning Office, by report dated March 8, 1978, recommended approval of the application on the grounds that the use is a temporary one and that the proposed parking lot, which is a minor increase in space is not likely to become objectionable to the neighboring property because of noise, traffic or other objectionable conditions.

12. The Department of Transportation, by report dated March 15, 1978, and by testimony at the Public Hearing, recommended that the application be denied on the grounds that the existing parking in Square 77 does not conform to the University's Master Plan and that the proposed spaces merely create a further departure from that plan; that the increase in parking is compatible with city and regional transportation and related environmental goals and that the proposed parking would create additional and closer impacts on adjacent residences at 22nd and Eye Streets.

13. Advisory Neighborhood Commission-2A objected to the granting of the application on the grounds that the Foggy Bottom-West End area has had longstanding problems with noise, congestion and pollution emanating from commuter traffic in their area; that emphasis should be put on encouraging the use of mass transit and discouraging the use of private automobiles and that the subject area is saturated with surface parking lots which have brought commercial intrusions into a residential area. More specifically, ANC 2A stated the University has completed a large parking garage of approximately one thousand spaces at 22nd and "H" Streets, N.W.; there is a Metro stop on the campus and in light of the city's transportation policies the number of "interim use" spaces can and should be cut back. ANC 2A urged the preservation of existing residential areas and to stop the razing of buildings to create parking lots which may further lead to a rezoning of the district.

14. The West End Citizens Association and several private citizens in the neighborhood opposed the granting of the application on the grounds cited by ANC 2A.

CONCLUSIONS OF LAW AND OPINION:

This application presents difficult questions to be resolved by the Board. The University is requesting that the subject site be used for parking as an interim use under the Campus Plan. The University further cites the requirement of the Campus Plan approved by the Board that between 2700 and 3000 spaces be provided. The University testified that the twenty-two spaces to be located on this lot would help provide spaces to meet that requirement. However, the University further testified that parking on the subject site would cease to allow staging of construction activities for the new academic cluster to be built in the square. The Board concludes that this site would not reasonably serve the continuing parking needs of the University as specified in the plan, since it will be available for only a very limited period.

The Board is very much mindful of the University's need for parking to meet its own legitimate needs. The Board takes note that the University has property which it owns and uses for parking which is leased to a private operator for commercial parking. One such lot is located in Square 103, and has spaces for approximately 220 vehicles; this lot is currently before the Board for a renewal in Case No. 12601. The Board concludes that the University can acquire additional spaces to serve its own needs by terminating the lease it has with commercial operators, without requiring that new property be devoted to parking.

The Board is very much concerned that the policy of encouraging use of mass transportation and discouraging use of private automobiles be advanced. The Board, upon recommendation of the D. C. Department

Transportation has in the past granted continuation of parking lots already in existence for limited periods, in order to be able to reassess the need for such lots when mass transit, particularly Metrorail, is more readily available. This case proposes the creation of a new lot, not the renewal of an existing lot. The Department of Transportation recommended against the approval of this lot, on the grounds that the lot is unnecessary, that the lot contradicts public policy goals, and that there are reasonable alternatives to provide parking for the University. The Board finds such reasoning persuasive in this case.

The Board further notes that the University has provided no landscaping, screening or buffering to prevent adverse effects from the lot against the residential buildings to the west which are separated from the lot by only three feet. The Board concludes that noise and traffic will adversely effect the neighboring property, and that the proposed lot is therefore objectionable.

The Board notes that the Advisory Neighborhood Commission has also recommended against approval of this lot. The Board concludes that it is required to give "great weight," in the way of careful and explicit consideration, to the issues and concerns of the ANC. The Board notes that the issues and concerns of the ANC relate to the problem of parking generally in this area. The Board concludes that the general objections of the ANC are not directly related to this application; this is not a commercial parking lot, but one to serve the University. The Board concludes that it has given great weight to the ANC and in fact, the Board reaches the same position on the application as that recommended by the ANC, for the reasons stated herein.

The Board notes that two other parking lot applications by the University were heard and decided by the Board at the same time as the present case. These applications can all be distinguished individually; this case is for the establishment of a new University lot, case 12601 is for the continuation of a commercially used lot and case 12611 is for the continuation of a University used lot.

Based on the foregoing findings of fact and conclusions of law, it is therefore hereby ORDERED that the application is DENIED.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to deny)

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

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: **26 APR 1978**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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HEARING DATE: March 15, 1978
DECISION DATE: April 5, 1978
DISPOSITION: The Board DENIED the application by a vote of 4-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants).

FINAL DATE OF ORDER: April 26, 1978

ORDER

Section 5.45 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment requires that a motion for reconsideration must be carried by four affirmative votes. Upon consideration of the applicants motion for reconsideration, a motion made by William F. McIntosh, seconded by Charles R. Norris to rehear/reconsider the application failed for lack of four affirmative votes by a vote of 3-1 (William F. McIntosh, Charles R. Norris and Chloethiel Woodard Smith to rehear/reconsider; Leonard L. McCants opposed, John G. Parsons not voting, not having heard the case).

DECISION DATE: May 31, 1978
VOTE: 3-1 (William F. McIntosh and Chloethiel Woodard Smith to rehear / reconsider, Leonard L. McCants opposed, John G. Parsons not voting, not having heard the case.)

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FINAL DATE OF ORDER: 8 JUN 1978

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

ATTESTED BY:



STEVEN E. SHER
Executive Director