

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13312 of the Brookings Institution, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot as accessory parking in an R-5-D District at the premises 1738-48 P Street, N.W., (Square 157, Lot 113).

HEARING DATE: July 30, 1980
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-5-D District on the south side of P Street between 17th and 18th Streets, N.W.
2. The parking lot is part of the entire lot 113 in Square 157. Lot 113 is a through lot, with frontage on Massachusetts Avenue as well as P Street. The Massachusetts Avenue frontage is zoned SP-2, and is improved with a large office building occupied by the applicant.
3. The portion of lot 113 at issue in this application is currently used as a parking lot pursuant to BZA Order No. 11943, dated August 21, 1975. The lot has been used for parking since approximately 1967.
4. The subject lot has spaces to accommodate approximately sixty cars. Access to the lot is by way of a driveway from P Street.
5. The lot is used during the day exclusively for employee parking for the Brookings Institution. The lot is not operated as a commercial lot for public parking. During evening and weekend hours, the lot is available for use by neighborhood residents.
6. The lot is paved with an all weather impervious surface, and has been maintained and operated in accordance with the requirements of previous BZA Orders and the Zoning Regulations.

7. There is a three foot high brick wall along the front of the lot on P Street. There is a ten foot high brick wall separating the parking lot from the building which fronts on Massachusetts Avenue.

8. A representative of the applicant testified that the only complaint or notice of violation which had been received related to loose bricks in one of the walls. That condition was properly corrected.

9. The lot is bordered on the south side by the Brookings Institution office building, on the west by the offices of the National Trust for Historic Preservation, on the east by a public alley followed by an apartment house and on the north by P Street followed by row-type structures.

10. The representative of the applicant testified that negotiations had been entered into with a developer regarding the future use of the site. No specific plans had been prepared, and no timetable for development had been established.

11. The application was referred to the Department of Transportation, as required by the regulations. No report from the Department was received by the Board.

12. Advisory Neighborhood Commission - 2B submitted a statement to the record in opposition to the application. The ANC stated its consistent belief that parking lots in residential districts should be phased out. The ANC urged the Board to reduce the incentive for commuters to use their own cars. The ANC further believed that the subject property could be used for the construction of residences.

13. The Dupont Circle Citizens Association opposed the application on the grounds that housing should be built on the site. The representative of the Association cited complaints from its members as to the status of the parking lot, but provided no specific information as to what conditions were complained of.

14. The owner of property at 1739 P Street, directly across the street from the subject property, submitted a letter to the record in favor of the application.

15. As to the issues and concerns of the ANC and the Dupont Circle Citizens Association, the Board finds as follows:

- a. The representative of the applicant testified that negotiations have begun with a developer for the future use of the site. That development is not programmed for a specific time, and is not likely to begin for at least two years.
- b. The applicant is not requesting a use variance, and is therefore not required to prove that the site cannot be used for housing. To be granted a special exception, the applicant is required to prove that it complies with the requirements set forth in the Zoning Regulations.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The use is reasonably convenient and necessary to the applicant offices located on the same lot. The past use of the lot demonstrates no objectionable traffic conditions or adverse effect on the neighborhood.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board notes that it is granting a two year renewal of the parking lot to encourage the applicant to move forward speedily to develop the property.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of TWO YEARS from the date of expiration of the previous Certificate of Occupancy.

- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the Zoning District in which the parking lot is located.
- g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Charles R. Norris, Connie Fortune and Leonard L. McCants to GRANT; William F. McIntosh to GRANT by PROXY).

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

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

FINAL DATE OF ORDER: 1 DEC 1980

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UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.