

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13831, 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: October 13, 1982
DECISION DATE: November 3, 1982

FINDINGS OF FACT:

1. The subject property is located on the south side of P Street, N.W. between 17th and 18th Streets. It is known as 1738-48 P Street, N.W.
2. The parking lot is part of 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 two office buildings one of which is occupied by the applicant.
3. The P Street frontage of Lot 113 is zoned R-5-D. The western portion of this area is currently being used as a community garden which is operated by the residents of the surrounding neighborhood. The eastern portion is used as a parking lot pursuant to BZA Order No. 13312 dated December 1, 1980. The lot has been used for parking since approximately 1967.
4. The R-5-D portion of Lot 113 is bounded on the west by the building owned and occupied by the National Trust for Historic Preservation, on the east by the Avondale Cooperative apartments, on the south by the Brookings headquarters building and on the north across P Street by residential townhouses.
5. Access to and exit from the lot is provided by means of a twenty-five foot driveway on P Street which is located approximately 245 feet from the intersection of 18th and P Streets, N.W. The lot has parking spaces to accommodate sixty-three cars.
6. The lot is not operated as a commercial lot for public parking. During daytime hours it is used for employee parking by the applicant. From 6:30 P.M. to

7:00 A.M. and on weekends, the lot is available for use by neighborhood residents. There are no commercial advertising signs for the parking lot located on the property. No other use is conducted on the parking lot portion of the property.

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

8. The applicant seeks permission to continue to operate the parking lot until the property is developed in accordance with plans proposed by it for a planned unit development. On October 20, 1983, the Joint Committee on Landmarks of the National Capital gave conceptual design approval to the project. The applicant advised by letter of October 20, 1982 that the applicant will proceed to file a PUD application with the Zoning Commission within approximately three months.

9. An employee of Brookings Institution is responsible for making sure that the lot is maintained and operated in accordance with the requirements of previous BZA Orders and the Zoning Regulations and that any violations of these orders are properly corrected.

10. Brookings' representative testified that bumper stops have been erected and maintained. No vehicle projects over any lot or building line or public space. The lot is kept free of refuse. No structure exists on the lot. Lighting rays are projected downward on the surface of the lot. Vehicular access to the lot is in excess of twenty-five feet from the nearest street intersection. The lot is paved with an all-weather impervious surface.

11. Brookings' representative also testified that the continued operation of the lot is essential in order for Brookings to provide parking for its employees, many of whom do not have convenient access to public transportation. Brookings' representative also testified that no dangerous or other objectionable traffic conditions have resulted from the existence and operation of the parking lot. Brookings' employees arrive at and leave the lot at varying times and therefore no congestion occurs.

12. The application was referred to the Department of Transportation, as required by the Zoning Regulations. The DOT submitted a written report, dated July 21, 1982, which recommended approval of the application while final development plans are being made for the site.

13. Advisory Neighborhood Commission 2B, by letter of July 5, 1982, recommended support of the continuation of the parking lot for a period of eighteen months provided that it

continues to be made available to neighbors in the evenings and on weekends.

14. The Dupont Circle Citizens Association opposed the application on the grounds that the Brookings parking lot is an eyesore to the community due to the existence of trash and debris on the premises; that the citizens of Dupont Circle are strongly opposed to the continued existence of the parking lot since the spaces provided by the lot are in excess of the needs of Brookings; that Brookings is a tax-free organization and makes no apparent contribution to the surrounding neighborhood and that Brookings contributed to the destruction of the residential character of the area.

15. The Board finds that the allegations that the lot is an eyesore and that the parking spaces are in excess of the applicant's needs are contrary to the weight of the evidence. As to the other concerns of the DCCA the Board finds that they are not material to the determination of the subject application.

16. A resident of the adjoining Avondale Cooperative appeared in support of the application and testified to the parking lot's compliance with the conditions of the previous BZA order. She also testified to the importance of the lot in providing needed parking for area residents during the evening and on weekends.

CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to continue to operate a parking lot in an R-5-D zone district. In order to be granted the special exception requested, 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. All provisions of Article 74 have been complied with. No commercial signs are located anywhere on the subject property. The use is necessary and convenient to the Brookings office building located on the same lot. No dangerous or other objectionable traffic conditions have resulted from the operation of the lot in the past. Since Brookings is planning and actively pursuing development of the parking lot site, the future development of the neighborhood will not be adversely affected by its continued operation. The Board further concludes that the special exception is in harmony with the general purpose and intent of the Zoning Regulations and Map and will have no adverse impact on the use of neighboring property. The special exception can be granted without impairing the intent, purpose and integrity of the Zoning Regulations. The Board concludes that it has accorded to the ANC the "great weight"

to which it is entitled. Accordingly, it is ORDERED that the special exception is GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for eighteen months from the date of expiration of the Board's previous Order, namely from August 21, 1982.
- 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: 4-1 (Connie Fortune, William F. McIntosh, Maybelle Taylor Bennett and Douglas J. Patton to grant; Charles R. Norris opposed to the motion).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

APR 11 1983

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.

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