

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13871, of the National Wildlife Federation Endowment, Inc., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.46 to use the subject premises as an accessory parking lot for the building located at 1412 16th Street, N.W. and for a variance from the requirement that the total number of parking spaces provided not exceed the minimum number of spaces required for the principal use (Sub-paragraph 4101.461) in an SP-1 District at the premises 1607-13 O Street, N.W., (Square 181, Lot 853).

HEARING DATES: November 17, 1982 and January 19, 1983
DECISION DATE: February 2, 1983

FINDINGS OF FACT:

1. At the public hearing on November 17, 1983, the applicant requested a continuance due to the unavoidable absence of the applicant's representative who was most knowledgeable about the applicant's future development of the subject property. The representative of the applicant who was present testified that discussions about such future development were then being held. The Board decided to continue the application to the public hearing of January 19, 1983.
2. The subject site is located on the north side of O Street, between 16th and 17th Streets, N.W., in an SP-1 District. It is known as premises 1607-13 O Street, N.W.
3. The subject lot is approximately 7,334 square feet in area, and has spaces marked for thirty-four vehicles.
4. North of the subject site across an alley is an office building that houses the American Trucking Association. Directly east across an alley is the office building of the applicant and an abutting parking lot containing twelve spaces, which is owned by the applicant. To the south across O Street is the First Baptist Church and its eighty-four space parking lot. West of the property is a two-story building.
5. The subject parking lot has been in operation since approximately 1961. The last continuance for the parking lot was approved pursuant to Board Order No. 12919, dated

July 23, 1979, for a period of two years. The facility was approved to serve residential, public facility or short-term parking uses for retail and service purposes. No all-day commuter parking was allowed. The lot was last repaired in 1977.

6. The applicant, a non-profit organization concerned with conservation issues, is requesting a special exception to use the subject site as an accessory parking lot, and for a variance from the requirement that the total number of parking spaces provided not exceed the minimum number of spaces required.

7. The subject parking lot is used in conjunction with the applicant's abutting lot to provide overflow parking for employees and visitors. The applicant provides parking within its building for employees and for short-term visitors. In total, the applicant maintains seventy free parking spaces. During non-office hours and on weekends, the accessory lots are open to neighborhood residents for parking. The parking areas are cleaned daily and inspected periodically to ensure that non-employees of the applicant are not regularly parking on the accessory lots. No attendant and no lighting is provided on the parking lots.

8. Residential permit parking is allowed on O and P Streets. Metered parking, up to one hour, is allowed on 16th Street.

9. The applicant's parking lots are ninety percent filled every day. Student interns are first permitted to park in the subject parking lot. Interns often work outside the office, accounting for spaces being available at frequent intervals for visitors to the applicant's office, retail accessory and small-in-house library.

10. The kinds of services the applicant provides and the client community it serves require more parking spaces than the minimum number allowed.

11. Sixty-five percent of the applicant's 120 employees drive to work from outside the city. Car pooling is encouraged. Approximately fifty visitors and vendors who may require parking spaces are on the office premises every work day.

12. The American Trucking Association, which occupies the building across the alley from the subject lot, occasionally has people parking on the applicant's lot.

13. No commuter parking is allowed on the subject lot or on the applicant's other accessory parking lot.

14. The subject lot is needed because more employees now work in the building than when the last application for continuance under Paragraph 4101.41 was submitted. The basement of the office building has been converted into office space.

15. Other commercial parking lots in the immediate area are small in size and inconveniently distant from the office premises.

16. The Board was unable to obtain any records evidencing that the applicant's building was approved under the 1958 Zoning Regulations. Although the building was constructed in 1960, the building plans may have been approved under the pre-1958 Regulations. The Board estimated that the building had approximately 80,000 square feet attributable to gross floor area which would require that the applicant to provide forty-three parking spaces.

17. The applicant maintains another office building in Fairfax County. Although the facility is too limited for the applicant's growing operations, Fairfax County prohibits the applicant from further development of that premises within the next fourteen years. In six months, the applicant will decide whether to alter its Washington, D.C. building. Vertical expansion is being considered. If the Washington office is further developed, sufficient parking spaces would be incorporated within the building for employees and visitors. The subject accessory lot would not be needed after future development.

18. The Board requested that the applicant furnish documents indicating gross square footage and the number of parking spaces provided within the building at 1412 16th Street, N.W. at the time of construction. On January 27, 1983, the applicant submitted copies of Certificate of Occupancy No. B53271 for the accessory lot across the alley. Copies of architectural drawings of the building, dated August 13, 1957, indicated that the gross square footage was 37,789. The drawings reflect thirty-two parking spaces. The applicant eliminated six of those spaces for a storage area.

19. The applicant has complied with all the conditions of the Board's previous Order.

20. Advisory Neighborhood Commission 2B, by letter dated January 7, 1983, and at the public hearing, opposed the application. The ANC reported that BZA Order No. 12555 of February 1, 1978, stated, "Approval shall be for a period of one year." Another extension of the parking lot was granted by the BZA in the Spring of 1979. The Zoning Regulations clearly state under Article 41 that an SP parking lot in existence on October 5, 1978 shall be

permitted by the Board to continue in existence for a period not to exceed four years. In this latest application, the Wildlife Federation asks not only for extension of parking lot use in the guise of accessory use but also seeks a variance to exceed the parking space number limitations. The ANC was of the opinion that this request is in conflict with Section 8207.11 of the Regulations which prohibits variances except for extraordinary or exceptional conditions of a specific piece of property. Such circumstances have not been proven to exist here. The ANC 2B objected strongly to what would amount to continued and expanded use of this parking lot. To permit the facility to operate any longer would be to adversely affect the present character and future development of the neighborhood and would be in opposition to Sub-Paragraph 4101.412 of the Regulations. The ANC argued that it is not the intention of the Zoning Regulations that special purpose parking serve other than residential uses or short-term parking for retail, service and public facilities.

21. The Dupont Circle Citizens Association (DCCA) opposed the application on the grounds that the large number of parking lots in the subject square 181 underscores no further need for additional lots. The DCCA further opposed approval due to the adverse affects of increasing the number of parking lots and because the lot is a prime site for residential development. The applicant in previous requests for continuance of the parking lot use had testified that development plans for the site were being formulated. No plans have ever been submitted.

22. The Board is required by statute to give great weight to the "issues and concerns" of the ANC when its recommendation is reduced to writing. The Board in addressing those issues and concerns, as well as those of the DCCA, finds that in the subject parking lot application the applicant seeks its relief through Paragraph 4101.46 as accessory parking. The application was not brought under Paragraph 4101.41 as in the past. Under Paragraph 4101.46 the applicant is not restricted to a four year limitation. The special exception may be granted if the applicant meets its burden of proof. The Board finds that the application is properly before it as accessory parking relief. The Board further finds that based on the Findings, the applicant has demonstrated its need for accessory parking and for the variance it seeks. Also, as a special exception the applicant has no burden to prove that the subject site cannot be used for residential purposes. The Board further finds that under Paragraph 4101.46 the applicant does not have to establish that its use would not affect adversely the present character and future development of the neighborhood.

23. There was a letter in support of the application from the Connecticut Avenue Association. The Association stated that approval could result in "the easement of workers' traffic accommodation, the general upgrading of this area," and additional employment and revenue for the city.

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 and a variance. As to the special exception, its granting requires compliance with the requirements of Paragraph 4101.46 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. It is economically impracticable to locate supplementary parking within the principal building. Further development of the building is restricted by the substantial improvements adjoining the principal premises. Also, the accessory parking lot is so located and all facilities in relation thereto are so designed so that they are not likely to become objectionable to adjoining nearby property because of noise, traffic or other objectionable conditions.

The Board further concludes that the variance can be granted. Based on the Findings of Fact, the Board is of the opinion that the site is a necessary component of the applicant's business and services and is fully authorized. The variance can be granted without detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board notes that the applicant is currently considering the eventual use and disposition of all of its property in the subject area. Accordingly, the use as accessory parking will be limited to a one year period, so that a more permanent parking use can be evaluated against the applicant's future plans for the site. It is therefore ORDERED that the application is GRANTED, in its entirety SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of ONE YEAR from the date of this Order.
- B. Parking shall be limited to accessory parking for the National Wildlife Federation Endowment, Inc. only. No commercial parking shall be permitted.
- C. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- D. Bumper stops shall be erected and maintained for

the protection of all adjoining buildings.

- E. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- F. 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.
- G. 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.
- H. 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 (John G. Parsons, Douglas J. Patton, William F. McIntosh and Carrie Thornhill 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: AUG - 2 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.