GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13989, of 16th and U Streets Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7105.2 to permit an extension of a non-conforming use, office of a non-profit organization, third floor, to all floors of the subject premises in an R-5-C District at premises 1536 U Street, N.W, (Square 190, Lot 810).

HEARING DATE: July 27, 1983
DECISION DATES: July 27, 1983 (Bench Decision) and September 7, 1983

FINDINGS OF FACT:

1. The subject site is located on the southeast corner of the intersection of 16th and U Streets and is known as premises 1536 U Street, N.W. It is in an R-5-C District.

2. The site is rectangular in shape. Its dimensions are 73.0 feet on the east and west sides and 80.0 feet on the north and south sides. It has an area of 5,840 square feet. The site is topographically level.

3. The subject property is developed with a three story building with half basement which was built in 1915 for use by a car dealership. The first and second stories of the structure are concrete, while the third story, which was added later, is of protected timber construction. The exterior is clad in limestone and large windows dominate the facade. The dimensions of the structure are 73.0 feet on the east and west, by 75.5 feet on the north and south, creating an almost square footprint. The three floors contain 16,515 square feet of gross floor area. The cellar is totally below grade and is used for utilities and storage. It is 20.0 feet by 73.0 feet and is located at the eastern edge of the building.

4. There is access to and from the subject site from U Street on the north and from a public alley on the east. The site is a corner lot with a public space on its 16th Street side that is developed as open space and which makes the lot appear wider than is the case. This open space is fenced and provides no access to the subject structure. The main entrance to the subject structure is through a door on U Street. The alley entrance on the east is designed only for trash pick-up and deliveries.

5. The subject square is bounded by U Street on the north, T Street on the south, 16th Street on the west and 15th Street on the east. The square is bisected by a small local street called Caroline Street, which runs in an east-west direction. The majority of the square is zoned R-5-B. The western edge along 16th Street is zoned R-5-C and is located in the 16th Street Historic District. The central portion of the U Street frontage is included in a C-2-A District with the corners at 15th and 16th Streets being included in R-5-B and R-5-C respectively. Both 16th and U Streets are major arterial streets, 15th Street is a minor arterial, and T Street is a local traffic street.

6. The residential portions of the square are developed with row-dwellings, semi-detached dwellings, and apartment structures. The row dwellings front on 15th Street and on T Street. The semi-detached dwellings front on both sides of Caroline Street. On 16th Street, there are two apartment buildings and a few private dwellings. The U Street frontage is occupied by row structures, both vacant and occupied, most of which have been converted to commercial uses on their first and second stories. The subject structure is the only free-standing commercial structure in the square. It is larger than any other structure and is of unique design within the square.

7. The neighborhood surrounding the subject square has alternating corridors of residential and commercial uses. Commercial corridors occupy frontage on 14th Street, U Street, parts of 17th and 18th Streets. Residential corridors occupy 13th Street, 15th Street and 16th Street. The zone districts of the east-west cross streets change as the streets cross the north-south zoning corridors. The residential corridors are zoned R-5-B and R-5-C. These corridors are developed primarily with row-dwellings and apartment buildings. The commercial corridors are zoned C-M-2, C-M-3, and C-2-A. These corridors are developed with a mixture of clothing stores, restaurants, specialty grocery stores, jewelry makers, bookstores, real estate offices, theaters and convenience stores. New Hampshire Avenue crosses the intersection of 16th and U Streets at a diagonal. It is a residential corridor developed primarily with apartment buildings and zoned R-5-C, D/R-5-B, SP-1 and C-3-C moving from northeast to southwest. Meridian Hill Park is a major open space extending from W Street between 15th and 16th Streets to Euclid Street four blocks to the north with residential on either side. There are numerous churches in the area, including St. Augustine Catholic Church at 15th and V Streets and Augustana Lutheran Church at New Hampshire Avenue and V Street. Cardozo High School is located at 13th Street and Florida Avenue. Major apartment structures located in the area include the Northumberland apartments and Hampton Court apartments, located at New Hampshire Avenue and V Streets. The Congres-

sional Club, a private womens club, is located at New Hampshire Avenue and U Streets, across the street from the subject site. The Balfour apartments, a newly renovated building, is diagonally across from the subject site on the northwest corner of 16th and U Streets.

8. The subject area is now undergoing renovation and revitalization, especially in the residential corridors. The commercial corridors on U Street and 14th Street are deteriorated and have a high percentage of their buildings standing vacant. Renovation and the opening of upscale stores has occurred in the 17th and 18th Street commercial corridors. Renovation of apartment structures and single family homes has occurred in the 16th Street, New Hampshire Avenue and 17th Street residential corridors. Much of the architectural design in the area is early twentieth century and of landmark quality, leading to major renovation plans on the part of city government, local citizens groups and private real estate developers.

9. Parking on public streets is permitted on both sides of U Street between 15th and 16th Streets. Fifteenth Street, located on the east side of Square 190, permits parking on both sides of the street but is regulated by Zone 1 permit parking. T Street and Caroline Street allow parking on both sides of the street and are also regulated by Zone 1 parking restrictions. Zone 1 residential parking is available from 9:30 A.M. to 6:30 P.M. on 16th Street which borders the site on the west. Parking is allowed on the west side of 16th Street with the exception of the evening rush hour, from 4:00 P.M. to 6:30 P.M., Monday through Friday. No parking is allowed in the bus zones which are located on both the east and west side of 16th Street adjacent to Square 190.

10. The subject structure was built prior to the first D.C. Zoning Regulations effective in 1920. The original Zoning Regulations included the subject site in the commercial strip on U Street. In 1924, the site was designated residential and in 1958 was included in the R-5-C corridor along 16th Street. It has remained in the R-5-C District since that time although all its uses have been non-residential.

11. The original 1915 automobile dealership that constructed the building for its own use was succeeded in 1928 by general office use. In 1958, the National Radio Institute occupied the structure as its headquarters pursuant to a certificate of occupancy issued February 27, 1958 to use all floors of the building as a professional office building. In 1968, by Order No. 9505, dated October 11, 1968, the BZA authorized a change of non-conforming use from professional offices to offices and school for Youth Pride, Inc., a non-profit organization.

12. The applicant purchased the building in January, 1981. Youth Pride, Inc., was the sole tenant at that time. The applicant entered into a lease agreement with Youth Pride, Inc., to continue its operation at the subject site. Lack of funding forced Youth Pride, Inc., to vacate the premises in August, 1981. The applicant has been attempting to lease or sell the property since the discontinuance of the operations of Youth Pride, Inc.

13. In June, 1981, the applicant filed Application No. 13571 to change the non-conforming use of the subject structure to a general office use. That application was denied by this Board by Order dated July 6, 1982, on the grounds that the proposed tenant, the National Spanish Television Network, was a commercial office occupant and not a non-profit organization. Sub-section 7104.2, under which that application was filed, provided that a nonconforming use may be changed to a use which is permitted in the most restrictive district in which the existing nonconforming use is permitted. As evidenced in BZA Order No. 9505, the last permitted use of the premises was as a school and offices for Youth Pride, Inc. A private school is first permitted in the R-1 District as a special exception. Office use is first permitted in the C-1 District. The Board found that the applicant did not comply with the requirements of Sub-section 7104.2 of the Zoning Regulations.

14. The applicant, 16th and U Street Associates, is a District of Columbia joint venture. The applicant is presently seeking to sell the subject property to Bread for the World Educational Fund, Inc., hereinafter referred to as BFWEF, a District of Columbia non-profit charitable corporation. The BFWEF, as contract purchaser, intends to use all floors as offices for its non-profit program activities. The contract is subject to approval of the subject application by the BZA.

15. The Board of Zoning Adjustment has authority to grant a special exception for this extension of a nonconforming use under Sub-section 8207.2 and Sub-section 7105.2 of the Zoning Regulations in effect prior to August 5, 1983. Sub-section 8207.2 provides that:

> The Board is authorized to grant special exceptions as provided in the proceeding Articles of these regulations where in the judgement of the Board such special exceptions will be 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 Zoning Regulations and maps, subject in each case to the special conditions specified in said Articles.

16. Sub-section 7105.2 governed extension of a nonconforming use and provided that, if approved by the Board of Zoning Adjustment, a Class II nonconforming use may be extended to other portions of a structure devoted to such use, provided no structural alterations are made and no other structure is involved in the extension of the nonconforming use.

17. The BFWEF proposed to occupy and use approximately ten percent of the floor area of the Pride Building. Its primary activities will include fundraising and expenditures for charitable purposes. The primary recipient of BFWEF's funds will be Bread for the World, Inc., hereinafter referred to as BFW, which will occupy and use the remaining space in the Pride Building on a leasehold basis. Like BFWEF, BFW is a District of Columbia non-profit corporation. Separate but related corporations, BFW is a lobbying organization and BFWEF is a fundraising, charitable organization.

18. The BFW presently occupies and uses a building at 6411 Chillum Place, N.W. It also utilizes an office at 100 Maryland Avenue, N.E. on the first floor of the United Methodist Church. The BFW employs approximately sixty-five persons including twenty interns and forty-five regular staff persons. Some of these persons currently work out of the Maryland Avenue office but most are now employed at the Chillum Place building.

19. The subject building will be utilized mostly between the hours of 9:00 A.M. and 5:00 P.M. on weekdays. Fifteen of BFW's employees ride a bicycle to and from work, sixteen drive automobiles, and the rest use public transportation. If BFW relocates to the subject building, it is estimated that four of those who currently drive will begin to use public transportation or ride a bicycle to work. Public transportation to the site via U Street is provided by bus routes 91, 92, 94 and X3. Sixteenth Street is served by buses S1, S2, S3, S4 and T7. The applicant stated that the Dupont Circle Metrorail Station is within walking distance and will be utilized by BFW members especially on their regular trips to Capitol Hill where parking is not available. The planned U Street Station on the Green and Yellow Lines will be within walking distance of the site.

20. In contemplation of its proposed move to the subject building, BFW has advertised to local community groups for both staff and intern positions. It is anticipated that both regular and intern staff will seek out and reside in dwellings near the building to facilitate non-vehicular access to their place of employment and to become more involved in the lower Columbia Heights community.

21. The primary work of BFW is lobbying the U.S. Congress for programs to aid the poor, both nationally and

internationally. Included in this lobbying effort is support for the Food Stamp program, child nutrition programs, and other nutrition programs which benefit the poor residents of the subject neighborhood and of other similar neighborhoods nationwide. The other lobbying efforts of BFW include foreign aid reform measures, which press for more direct targeting of U.S. aid to people who fall below the World Bank's poverty line in Africa, Asia and Latin America.

22. The subject location is of interest to BFW because it is in a neighborhood where hunger and poverty exist. Working in this location would keep BFW staffers in touch with the realities of poverty and allow them to play a constructive role in the community.

23. The BFW/BFWEF program also includes the publication of two journals whose research, writing and graphics layout would be performed at the subject site. The printing and distribution of these publications would be handled outside the office through a local printer. Other programs operating at the subject site would include administration of the general works of BFW and its relations with its Board of Directors, and maintaining liason with churches for the purpose of gathering a citizens action network in support of BFW programs in congressional districts.

24. No goods, chattel, wares or merchandise will be commercially created or sold on the premises except for publications, materials or other items related to the purposes of BFWEF.

25. The 1982 annual report of BFW/BFWEF was submitted to the record as evidence that the organization is ongoing and will continue to occupy the subject premises should the application be granted. The purchase price for the subject property is $540,000. The total expenses with renovations will be approximately $1 million. The organization has raised $140,000 to finance the proposal within the past year. Future contributions to the project are expected to come from members, prospective large donors, and foundations. The organization expects to raise the remainder of the money within two years.

26. The BFW/BFWEF proposal is to use the subject premises as office space for seven departments. Only BFW/BFWEF staff would use the premises. No support services or use of the facilities would be provided to other organizations either for a fee or as a free service. There will be no signs identifying the subject premises. All staff members and the Board of Directors know the location of the site. The kitchen in the building will be used as a lunchroom where staff people can eat lunch. The proposed conference room would be used for weekly staff meetings and tri-annual meetings of the Board of Directors and the

executive committee. No other organizations would use the conference room.

27. The BFW/BFWEF submitted to the record guarantees of available parking spaces in order to demonstrate a willingness to lease parking spaces as a condition to a BZA Order granting this application. The offers to rent parking space included St. Augustine's Church at 15th and U Streets for ten spaces, Atlantic Garage at 2005 Florida Avenue for thirty spaces, and Campbell Heights Senior Citizens apartments for two spaces if approved by the Federal Agency that administers its funds.

28. The BFW/BFWEF argued that the need for parking spaces for BFW/BFWEF will be limited by the low-percentage of staffers owning cars and by the low volume of visitors to the organization. If the organization moves into the subject premises, it anticipates that only ten staff persons will use cars because staffers will seek housing in the subject neighborhood. Fifteen persons will continue to use bikes. Some staffers already live in the area, on Columbia Road, Biltmore Street, Euclid Street, 13th Street, and Adams Mill Road. The number of visitors coming to the office would be approximately two persons per week.

29. There are no plans to operate a food stamp center, food distribution center, soup kitchen, or shelter for the homeless or to hold church services in the subject premises.

30. An addition of five new staff persons is anticipated within the next few years. The organization may expand to ninety employees within five years.

31. Parking cannot be provided on the exterior of the subject property because the only existing open area on the lot is a strip approximately 4.5 feet wide that is located on the western edge of the lot. The structure occupies the entire north-south dimension of the lot and occupies 75.5 feet of the 80.0 feet east-west dimension. The open space adjacent to the property on the west cannot be used for parking because it is public space and is located in the 16th Street Historic District.

32. The BFW/BFWEF proposes renovations and repairs to the interior of the subject structure. No additions or major modifications would be made to the exterior of the structure. The windows would remain or be repaired as they exist. A new roof and a new door would be installed. D.C. Code violations involving the mechanical, electrical, plumbing and heating systems would be corrected. Other problems to be remedied include vandalism to the exterior and rubbish and disrepair on the interior. Other renovation work includes replacing the elevator which is currently not serviceable and enclosing the interior stairway to meet the

D.C. codes. There would be no structural alterations. The limestone facade would be cleaned and one cracked stone would be replaced on the 16th Street side. Accessibility would be provided for the handicapped.

33. The first floor would include an administrative area, offices for the Educational Fund and Membership, the Educational Fund Library, and a receiving area. The second floor would include offices for the Communications Department and the Membership Department, a conference room and a lunch room. The lunchroom would be at an interior location not accessible from the street.

34. The Office of Planning, by report dated July 20, 1983, recommended that this application be approved provided that the BFW/BFWEF secure adequate off-street parking in the area. The Office of Planning was of the opinion that the granting of this special exception for the use of this property by the BFWEF would be consistent with Section 7109 and Paragraph 8207, which require that the use is not objectionable to the neighborhood. The Office of Planning noted that an area for parking did not exist on this site, and that the past tenant, Youth Pride, Inc., did not lease parking in the vicinity for its employees. The Office of Planning reported that the 16th and U Street area is going through a period of redevelopment with the rehabilitation of many apartment buildings along New Hampshire Avenue and 16th Street and row dwellings throughout the area. This is bringing an increased demand on the limited curb-side parking available. It would be inconsistent with the intent of the Zoning Regulations for a non-conforming use to take this parking space. The Office of Planning recommended that this application be approved, subject to the condition that the BFW/BFWEF acquire and maintain by lease or sale a minimum of twelve off-street parking spaces. The Board concurs with the reasoning and the recommendations of the Office of Planning.

35. Three neighboring property owners testified in support of the application. Their support was based on the need to locate respectable occupants for the many vacant and underutilized buildings in the subject neighborhood. The BFW was the type of applicant that supporting community groups felt would be an asset to the neighborhood. The supporting neighbors testified that BFW had spent many months talking with community groups, discussing its plans, listening to community concerns, and publicizing job opportunities through the immediate neighborhood. St. Augustine's Catholic Church, in addition to expressing its support, entered into the record a written offer to rent ten parking spaces to the BFW/BFWEF.

37. The Caroline Street Residents Association and the 1900 Block of 16th Street Council expressed support of the

application with reservations. The reservations included the parking problems of the neighborhood which residents feared would become worse as development accelerates on U Street. A concern was expressed by both groups that the parking proposed by the BFW/BFWEF may not be legal because it is located on residentially zoned property. The other concerns of the neighborhood groups included noise, trash, number of occupants, use of the alley for deliveries, trash pick-up and the upkeep of the property. The neighborhood groups expressed a concern that future growth of BFW/BFWEF would lead to an increase in the number of occupants in the premises which might be permitted by codes due to the size of the building. Another neighborhood concern was that outside groups might use the premises or that the premises might be sold to another occupant if BFW/BFWEF got into financial difficulties. A final concern of the supporting neighbors was that BFW/BFWEF is a national organization which will not help the immediate neighborhood. A soup kitchen or a shelter for the homeless would help the neighborhood but would not be compatible at a location adjacent to a residential corridor. Despite these drawbacks, the citizens testified that the BFW/BFWEF would have a minimal impact on the neighborhood and would be a desirable occupant. The 1900 Block of 16th Street Council submitted a list of twenty-five vacant structures within a one and a half block radius to emphasize the issue of underutilization of structures.

37. Three neighboring property owners testified in opposition to the application. Their concerns included the parking impact on the neighborhood, the fact that the proposed parking is zoned residential, the future development of the neighborhood is intended to be residential but the owner of the property has made no effort to develop the property for residential use and that the contract purchaser may be unable to complete payment for the premises thereby leading to resale to an occupant with a more negative impact on the neighborhood. Other concerns of the opposition included trash, noise, use of the premises by outside group, use of the proposed kitchen to feed the neighborhood, and the fact that BFW/BFWEF is not a neighborhood facility but is an office occupant who will obtain a permanent extension of a nonconforming use for the subject premises. The opponents expressed a desire to see the property developed as an apartment building. The representative for the Dupont Circle Citizens Association testified that the Association was opposed to the application unless responses to its concerns were embodied in conditions attached to any BZA order granting the case.

38. The opposition further testified that their concerns included the possibility of future increases in staff occupying the subject structure. The D.C. Fire Department would permit a maximum occupancy of 165 persons

if no limiting conditions were imposed by the Board. The application as presented includes an existing staff of sixty to sixty-five persons with a potential increase to ninety persons. The citizens in opposition argued that ninety occupants would create too much traffic.

39. Advisory Neighborhood Commission 1B, by testimony of its chairman at the hearing, recommended that the application be granted subject to the condition that adequate off-site parking be provided. The ANC reported that among the concerns expressed by the residents were further vandalism and drug activity. It was the opinion of the ANC that the proposed office use would be no more intense than the previous use of private school/office. In comparison to the previous use, it should have no greater impact with respect to noise and traffic. Moreover, to the extent the building is renovated, the aesthetic qualities of 16th and U Streets will be improved, and surrounding property values enhanced. The Board is required by statute to give "great weight" to the issues and concerns of the ANC when such are reduced to writing and are submitted in accordance with the Board's Rules. Even though the ANC's report was not submitted in writing as required, the Board concurs in the recommendation of the ANC. The number of parking spaces will hereinafter be listed as a condition to the Board's grant, with parking to be required within a reasonable walking distance of the site.

40. The BFW/BFWEF addressed the concerns of the ANC and those who testified at the public hearing. As to the issue of providing off-site parking spaces, the organizations stated that they would provide whatever number of spaces the Board directs. They had no intention of using any lots for which the use was not permitted by the Zoning Regulations. The BFW was aware of a warehouse located at 14th Street and Florida Avenue, zoned C-M-2, that could accommodate more than twelve cars. It is located at least five blocks from the subject site. There is another major parking lot managed by the Colonial Parking that is not located in the immediate neighborhood. The Municipal Office Building at 14th and U Streets will contain 400 parking spaces some of which will be available to the public.

41. As to the issue of a residential use of the structure, the Board finds that the applicant is seeking its relief through a special exception and not a use variance. The applicant has no burden to establish that the structure cannot be used for residential purposes.

42. At the July 27, 1983, public hearing, the Board of Zoning Adjustment established thirteen conditions listed below for the use of the subject premises by BFW/BFWEF. The Board then GRANTED the application in a Bench Decision.

43. On August 29, 1983, the BFW/BFWEF filed a motion for waiver of the Rules to permit a Motion for Reconsideration to be considered before the final BZA Order was issued in the subject application. On September 7, 1983, the Board granted a waiver of its Rules and took up the Motion for Reconsideration. The Motion indicated that BFW is able to fully comply with all of the conditions established by the Board except the following:

A. That twelve off-street parking spaces be obtained located within a one thousand foot radius of the building; and

B. That the total number of employees, including interns, is limited to seventy persons.

The BFW requested that these conditions be modified to require BFW to obtain twelve off-street parking spaces at the nearest reasonable facility for the use of its staff that regularly use the building; and that the total number of employees and staff be limited to one hundred persons.

44. The BFW in its motion indicated that it conducted another search for off-street parking spaces as a consequence of the off-street parking requirement which the Board imposed on July 27, 1983. The BFW staff thoroughly surveyed the area within 1000, 1500 and 2000 foot radii in all directions from the Pride Building. The BFW found that there are no off-street parking facilities to be obtained within those radii. Parking spaces that exist are reserved exclusively for tenants of the buildings in which they are located. There are no commercial parking lots within the surveyed area. The paucity of available commercial off-street parking facilities in this area is an insurmountable problem for BFW and for any other user of the subject building. Commercial off-street parking spaces are available at 14th Street and Florida Avenue, N.W., which is located a distance of approximately 2500 feet from the Pride Building. The BFW was prepared and able to lease twelve spaces at this location if permitted to do so by this Board.

45. The BFW in its motion indicated that its total staff may approach ninety to 100 persons in the future, and that the limitation to seventy was unreasonable. The BFW requested the Board to modify this limitation to one hundred persons. The BFW contracted to purchase this building with the full expectation that the available space, according to its experts and existing District of Columbia Codes, was more than adequate to meet its present and future needs. The restriction to seventy staff members will not meet the needs of BFW.

46. Neighborhood residents submitted seven letters of support and two letters of opposition in response to the applicant's Motion for Reconsideration.

47. At the public meeting of September 7, 1983, The Board upheld its former decision and denied the Motion for Reconsideration. It was the Board's decision that no new issues were raised in the Motion and that the Board had given long, serious consideration to the issues at the public hearing.

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 to extend a non-conforming use in an R-5-C District. The granting of such a special exception requires a showing through substantial evidence that the applicant has complied with the requirements of Sub-section 7105.2 and Sub-section 8207.2 of the D.C. Zoning Regulations. The Board concludes that the applicant has met its burden of proof, and that the application can be granted with conditions necessary for the protection of surrounding and adjoining property.

The Board notes that by Order No. 403, dated July 18, 1983, the Zoning Commission amended the Zoning Regulations concerning the treatment of non-conforming uses and structures. That Order became effective on August 5, 1983, nine days after the Board decided this case at its public hearing on July 27, 1983. Sub-sections 8103.6 and 8104.8 provide that building permits and certificates of occupancy authorized by action of the Board of Zoning Adjustment may be issued in accordance with the Regulations in effect on the date an order is issued. Opinions of the Corporation Counsel and the consistent ruling of this Board have held that the Regulations in effect on the day the Board makes its decision will control. Accordingly, the application was considered under and is controlled by the Zoning Regulations in effect prior to August 5, 1983.

The proposed extension of the nonconforming use meets the first requirement off Sub-section 7105.2 in that no structural alterations would be made and no other structure would be involved. The proposed use of the premises, although not a neighborhood facility, will not be objectionable. The activities of BFW/BFWEF are primarily writing and research which are by their nature quiet activities. The BFW/BFWEF will have a low volume of visitors and expressed a willingness to abide by conditions that address neighborhood concerns. The nonconforming use would not affect adversely the present character or future development of the neighborhood. The quiet work activities of this non-profit organization provide a compatible transitional use for this corner

which is located between a commercial corridor on its east and a residential corridor on its south. The proposed use will be conducted in accordance with the standards of external effects established for a C-M District in Sub-section 6101.6.

The Board concludes that the proposed use will be compatible with the general character and uses of structures existing within 300 feet in all directions of the proposed use. The arrangement, design, and architectural features of all existing structures will remain the same and the only significant changes are on the interior. The exterior will be restored and maintained in keeping with the 16th Street Historic District. No signs are presently proposed. The amount of noise, traffic, vibration, or any other deleterious external effects which the proposed use can reasonably be anticipated to generate or create will be minimal as evidenced by its quiet work activities, low volume of visitors, low percentage of automobile users, and expressed willingness to maintain the property in a clean and well cared for condition.

The amount of parking and loading facilities to be provided has been determined according to the applicant's projected use of the subject premises and has been included in conditions to this order. The Board notes that some of the parking spaces which BFW/BFWEF originally identified as available to serve the proposed use are located in Residential Districts. Such parking is permitted if it is accessory to another principal use on the lot. Such parking may not be used as a parking lot to serve off-site uses unless the Board has approved a special exception for that parking use. The twelve spaces required by this order must be lawfully permitted to be used to serve the proposed use.

The Board has required modifications, restrictions, and safeguards as conditions for approval of the proposed use. Such conditions are necessary to protect the value, utilization, and enjoyment of property in the neighborhood. These conditions are based on concerns expressed by neighboring property owners at the BZA public hearing.

The Board further concludes that the proposed use meets the requirements of Sub-section 8207.2. The requested relief, if granted, will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighborhood property. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled.

The Board further concludes that the conditions required by this order were properly arrived at pursuant to Paragraph 7109.13 of the D.C. Zoning Regulations and pursuant to public discussion with the applicant and concerned

community groups. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

a. Approval shall be limited to use of the subject premises by Bread for the World Educational Fund and Bread for the World, Inc.

b. The hours of operation shall not exceed from 9 A.M. to 5 P.M., Monday through Friday.

c. The number of full-time and part-time employees, including interns, shall not exceed seventy.

d. Any sign used to advertise the use shall be flush against the wall, shall not exceed twelve by thirty inches in size and shall not be illuminated.

e. All existing and proposed roof structures shall be in compliance with Section 3308 of the Zoning Regulations.

f. The applicant shall obtain twelve accessory parking spaces within a 1,000 foot radius of the subject site.

g. The Certificate of Occupancy shall be issued only for that period of time for which the provision of the off-site parking spaces required by Condition "f" of this Order can be demonstrated.

h. The facility shall not be rented, leased or donated for use by any organization or individual other than Bread for the World Educational Fund/ Bread for the World, Inc.

i. There shall be no articles of commerce offered for sale at the subject premises.

j. There shall be no distribution of food or article of clothing from the subject site.

k. The kitchen facilities provided at the subject premises shall be for the exclusive use of the employees.

l. There shall be no storage of trash on the exterior of the subject building.

m. No loading or delivery activities, including trash collection, shall take place before 7 A.M. or after 6 P.M.

VOTE on the application: 3-2 (Carrie Thornhill, Douglas J. Patton and Charles R. Norris to grant; Lindsley Williams and William F. McIntosh opposed to the motion).

VOTE on the Motion For Reconsideration: 3-1 (Douglas J. Patton, Lindsley Williams and Charles R. Norris to deny; Carrie Thornhill opposed; William F. McIntosh abstaining).

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

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

FINAL DATE OF ORDER: JAN 11 1984

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 CONSUMER AND REGULATORY AFFAIRS.

13989order/KATHY4