GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14123 of Arthur and K.L. Auerbach, as amended, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3101.412 to permit the continued use of the property as the office of a non-profit organization, for special exceptions under Section 7205 to provide accessory off-street parking on the subject site within three feet of a side lot line and a main building and to provide additional parking within 800 feet of the subject site at premises 1637 Q Street, N.W., (Square 179, Lots 14, 802 and 803) in the R-5-C District at the premises 1623 16th Street, N.W., (Square 193, Lot 145).

HEARING DATES: April 25 and June 27, 1984
DECISION DATE: July 11, 1984

FINDINGS OF FACT:

1. At the public hearing of April 25, 1984, the applicants requested a postponement of the case on two grounds. First, the current tenant's lease expired soon and the applicants were negotiating a new lease with the existing tenant and with other possible tenants. The applicants were of the opinion that they could make a better representation to the Board about the tenant's activities and needs if they had a specific tenant for the subject site. Secondly, the applicants would not be available for appearance at the public hearing on April 25, 1984, because one of the applicants was out-of-town from April 11, 1984, through June 6, 1984. Without a tenant, the applicant would be the only witness. The motion for the postponement was filed April 11, 1984, and the applicants had informed the Office of Planning, ANC 2B, and the Dupont Circle Citizens Association of its request for a postponement. The opposition requested that the application be dismissed, rather than have the case continued. The Chair found merit to the argument that the presence of a tenant was vital to an understanding of the proposed use of the subject structure. The Chair ruled to continue the application to the public hearing of June 27, 1984.

2. The application was amended at the public hearing of June 27, 1984. As advertised. the application requested a variance from Sub-section 7206.4, regarding accessibility to parking spaces. The applicants withdrew that variance, since the proposed tenant required the area designated as a parking space in the side yard for a ramp for handicapped

access. The applicants proposed to provide one parking space on the site with direct access and seven spaces at a nearby parking lot.

3. The property which is the subject of this application, known as the Werlich Mansion, is located in an R-5-C District at the northeast corner of the intersection of 16th and Corcoran Streets, N.W. The site is known as 1623 16th Street, N.W.

4. Across Corcoran Street from this site is the Church of the Holy City. Immediately north of the Werlich Mansion is a five story apartment building. The remainder of the block up to R Street, N.W., contains two additional small apartment buildings and a number of row dwellings. Across 16th Street from this site are three large apartment buildings and the Indo-Chinese Center.

5. Residential uses predominate in this square. The predominant housing type consists of row dwellings, the majority of which are three and four stories in height. Nearly all the dwellings in this square are maintained in excellent condition. The dwellings which front on Corcoran and 15th Streets, N.W., are generally smaller and lower than those which are located on 16th and R Streets, N.W. In addition to row dwellings, there are a number of small apartment buildings at various locations throughout the square.

6. This area of the city is characterized by a variety of building types and uses. There are a number of chanceries, embassies, foreign missions and office uses, along with row dwellings and small and large apartment buildings. The area has a substantial number of structures of architectural and historic merit.

7. The R-5-C District in which this property is located extends generally from Q Street on the south, northward along 16th Street to Spring Road adjacent to Piney Branch Parkway. South of Q Street is an SP District. R-5-B Districts are found to the east and to the west of 16th Street, N.W. Between 14th and 15th Streets, N.W., C-M-3 zoning is found and R-5-D zoning is mapped between 17th and 18th Streets west of the site and along Rhode Island Avenue some two blocks south of the property. A small C-2-A District is found along 17th Street between P and R Streets, N.W.

8. In Application No. 12626, by order dated September 12, 1978, the Board approved special exceptions for use of the property as offices and to locate parking off the site, and a variance on the accessibility of the parking space on-site. Approval was subject to the following conditions:

A. Office use of the property shall be limited to offices of non-profit organizations as that term is defined in the Zoning Regulations.

B. There shall be a maximum of twenty-five employees located in the building.

C. The hours of operation shall be from 9:00 A.M. to 5:00 P.M., Monday through Friday.

D. The tenants of the building shall submit to the Chief of the Zoning Regulations Division, Department of Housing and Community Development an affidavit demonstrating their compliance with the above conditions.

E. Seven parking spaces shall be provided for the office use, including two on the site and five on Lots 33, 34 and 35 in Square 180, located at 1612-1614 Que Street.

F. Approval for the use shall expire on February 28, 1982, the same time as the Board approval for the parking lot at 1612-1614 Que Street which was granted for five years by BZA Order No. 12267 dated February 28, 1977.

9. The subject property has a total land area of approximately 5,500 square feet and is improved with the historic Werlich Mansion, which contains approximately 11,059 square feet of gross floor area. It is a three story brownstone building that was constructed in 1886. It was designed and built as a single family residence.

10. The Werlich Mansion is listed on the District of Columbia Inventory of Historic Sites and is located within the boundaries of the 16th Street Historic District.

11. No major exterior modifications will be made to the structure.

12. No articles will be created, sold or exchanged on the premises.

13. The applicants propose to provide one parking space on this site. Because the structure is not included in one of the categories of structures in Section 7202, the required number of parking spaces would be calculated on the basis of the requirements for a warehouse in the C-M-1 District, which requires one parking space per 2,400 square feet. A total of four spaces would be required. The applicants have indicated that seven additional spaces will be contracted from a commercial parking lot at 1637 Q

Street, N.W. for use by the employees of the proposed tenant.

14. The Werlich Mansion has a lot occupancy of approximately eighty-six percent, which effectively precludes the provision of required parking spaces on the subject site with direct access to either a street or alley. This large structure extends from lot line to lot line, from its 16th Street frontage to the east where it is abutted by an alley, and provides only a seven foot side yard to the north. The applicants intend to provide one on-site space but its dimension is seven feet by nineteen feet and therefore, it does not qualify as a required space.

15. The seven accessory spaces to be located at premises 1637 Q Street will be nine feet by nineteen feet in size which therefore qualify as required spaces.

16. The proposed accessory parking is located approximately 550 feet from all lot lines of the lot upon which the structure to be served is located and is approximately 760 feet away in walking distance.

17. The proposed accessory off-site spaces are located on a parking lot now permitted as a matter-of-right.

18. Since the Board originally approved the proposed use, the applicants and the proposed tenant have invested more than $125,000 in renovating the historic structure.

19. The proposed tenant is the Green Door, which is a private, nonprofit organization founded in 1977 as a rehabilitation program for former and present mental hospital patients. The Green Door has leased the subject site since 1978. Members of the Green Door are adults who come from diverse economic, educational and racial backgrounds. A majority do not have supportive family ties and one-third have never held a job. The Green Door offers a comprehensive matrix of services including pre-vocational, job placement and housing programs. Members are given an opportunity to regain skills, self-confidence and the motivation they need to obtain jobs, friends, and decent housing as a means toward preventing rehospitalization. Housing is not provided at the site.

20. The Acting Director of the Green Door testified that there are ten full-time employees at the site. Approximately forty members of the Green Door visit the site on weekdays, except Tuesday, between the hours of 9:00 A.M. and 2:00 P.M. The members use public transportation. Approximately seven employees presently commute by automobile to the site. These employees are instructed not to park in residential neighborhoods.

21. The Green Door presently conducts socialization skills meetings with past and present members in the evening on Wednesday, Thursday and Friday. The site is also used for approximately one hour on Saturday to conduct field trips.

22. The applicants' traffic consultant testified that 16th Street, past the subject site, carries approximately 18,000 vehicles on an average day. Intersections in the vicinity of The Green Door operate at an "A" level of service at all times in normal circumstances. Sixteenth Street is the route for the S1, S2, S3, S4, and S5 Metrobuses, which provide sixty-three peak-direction buses, southbound in the morning, northbound in the evening, and thirty-six off-peak direction buses, northbound in the morning, southbound in the evening, during rush hours. The Dupont Circle Metrorail station is approximately an eight minute walk away.

23. The applicants' consultant made a survey of parking in the immediate area of the subject site. Between 15th and 17th Street and Q and R Street, there were twenty-eight free curb spaces, eighty-four two-hour residential permit spaces, and ten metered spaces. There is a public parking lot in the northeast quadrant of the intersection of 17th and Q Streets, with marked spaces for forty-eight cars. Monthly spaces are available at this location, which is within 800 feet of the subject site. The applicants have made arrangements to lease spaces from from this lot. On-street parking is usually available on 16th Street, north of P Street, where there are free spaces except for the morning rush hours on the west side of the street and during the evening rush hours on the east side of the street.

24. At present, on an average day, the existing ten employees of the Green Door primarily drive to the site and park in legal curb spaces on 16th Street, spaces which would not normally be used by residents in the area during the daytime because of rush hour restrictions. The remainder use public transportation or walk to work. Approximately forty members attend the program on an average day. These members are transported to and from the site by either Green Door vans or public transportation. There are three vans, which are parked on the 15th Street Presbyterian Church parking lot, on the 17th and Q Streets parking lot, and on the street during the day when not in use and on a lot in Southwest Washington at night.

25. The traffic witness noted that the subject property could be converted to residential use, with twelve apartments. These apartments could be expected to require parking for five cars, which would need space at the time of peak residential demand, and which would compete for scarce residential permit parking spaces. The impact on parking

conditions from the residential use could therefore be more severe than the Green Door operation.

26. It was the conclusion of the traffic witness that the above-described operations of The Green Door create no parking problems for the neighborhood, and they have no adverse impact on traffic operating conditions. Provision of seven spaces at the nearby commercial parking lot will improve traffic conditions. As there would be no change in these operations if the special exceptions are approved, there would be no adverse impact resulting.

27. A representative of the Dupont Circle Citizens Association (DCCA) appeared in support of the application at the hearing. Although the DCCA stated support for the application, it requested that no on-site parking be allowed. The DCCA testified that the Green Door is a good neighbor and brings many benefits to the community.

28. A citizen from the 1600 block of 21st Street, N.W., testified in support of the application, citing parking problems generated by the Phillips Gallery, some blocks from the subject site, as analogous to those created by the Green Door. The witness was of the opinion that the Green Door provides essential and effective human services to the community which outweigh potential impacts from the parking situation in the area.

29. The Midway Civic Association, by letter of June 25, 1984, opposed the application, stating that its support of the previous application was not justified based on experience. Midway contended that the adverse impact of the current use of the subject property falls especially on the neighborhood's elderly, many of whom are Midway members.

30. Two residents testified at the public hearing in opposition to the application. Both live within 200 feet of the subject site. In addition, four residents opposed the application by letters dating from April 17 to June 26, 1984. Three of these four residents live within 200 feet of the subject property.

31. A representative from the Residential Action Coalition (RAC) appeared in opposition at the public hearing. The RAC preferred that the structure be put to a residential use.

32. The grounds of the opposition by the aforementioned groups included the following:

A. Non-residential use of this property has had a significant adverse impact on the surrounding community. Testimony was given which cited problems with trash, garbage, litter, noise,

parking in residential permit parking zones, traffic violations, and blocking of alleys, driveways, and wheel chair ramps by the Green Door. Photographs were submitted to show both private and public property damage by delivery trucks trying to maneuver around Green Door vans illegally parked in the alley bounding the east property line of the subject site.

B. Five of the six conditions imposed by the Board in the previous order were not met, including the number of employees, hours of operation, number of parking spaces, expiration of the approval and filing of an affidavit.

C. The parking lot at 1637 Q Street, N.W., on which the applicants propose to provide seven accessory off-street parking spaces for employees recently has been rezoned, and construction of a mixed-use building is contemplated in the near future.

D. The impracticality of locating parking spaces on-site constitutes a 100 percent variance for parking in this application.

E. Non-residential use of this property poses yet an additional security problem for neighbors already living in a high-crime area. As the subject property extends 110 feet along Corcoran Street, and is located across Corcoran Street from the Church of the Holy City, residents are generally forced to walk between two vacant buildings at night. Muggings of three adults and one ten-year old child were cited, each occurring alongside the subject property.

F. Neighborhood support for the original application was based on the misrepresentations that the applicants would level the Werlich Mansion to build a multi-story apartment building if residents did not allow non-profit office use of subject property, and that the applicants would take measures to preclude any adverse impact that non-residential use would create; e.g., providing adequate parking for employees of the tenant.

32. Advisory Neighborhood Commission 2B filed no recommendation on the application.

33. The Board is impressed with the probative evidence produced by the opposition in support of its arguments. The Board finds that the grant of the application, as conditioned below, will address the issues and concerns of the opposition as to the land use impacts. As to the concerns of the

opposition about crime, such is not a zoning matter, but a police matter. As to the use of the structure for residential purposes the applicants have no such burden of proof. The relief is sought through a special exception and not a use variance. As to the DCCA request that no on-site parking be permitted, the Board concurs. The use of that area for other purposes suggests that all parking for the office be off-site, and the Board will so condition the approval of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicants are seeking three special exceptions, the granting of which requires compliance with Paragraph 3101.412 and Section 7205 and that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicants have met their burden of proof as to the continued use of the property as the office of a non-profit organization and the providing of additional parking within 800 feet of the subject site. The property is listed on the District of Columbia Inventory of Historic Sites, exceeds the minimum gross floor area and will be used by a nonprofit organization in a manner, as conditioned below, that will not adversely effect the use of neighboring properties. The number and arrangement of parking spaces appear adequate for the use and there is not expected to be a significant traffic impact on the adjacent neighborhood. Such proposed use does not involve the creation, exchange or sale of commercial goods. No major modifications or additions are proposed to the exterior of the site. The proposed tenant will not have an adverse effect on neighboring properties.

The Board further concludes that the unusual size and dimensions of the structure preclude the location of required parking on the same lot as the structure to be served. The dimensions of the site and structure located on the site make it physically impossible to provide parking spaces on the site without a modification to the subject structure. The Board concludes that the applicants have obtained parking at the closest practicable location to the subject site in an area of the city which has little available public off-street parking.

The Board notes the legitimate concerns and objections raised by the opposition. The Board believes that the application should be approved for a limited period of time. The Green Door is aware of the concerns and issues of the opposition. The management of the Green Door has expressed its intention to be a better neighbor. The Board will pay

close attention to the record of the Green Door over the next two years. Failure to improve the conduct of the activities on the site will result in denial of any future applications. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of TWO YEARS from the date of the order.

2. Operation of the Facility shall be limited to the lessee, the Green Door, Inc.

3. No vehicles shall be parked on site or in the alley.

4. Seven parking spaces shall be provided for the use of the Green Door at 1637 Q Street, N.W. The applicants shall make arrangements with the operator of the parking lot at 1637 Q Street, N.W. to be given six months notice of any intention to close the lot. The applicants shall reapply to this Board within thirty days of receipt of such notice to request an alternative parking solution.

5. The Green Door shall maintain the site and the adjacent public space on a daily basis to keep it free from litter and other debris. A daily log of such maintenance shall be kept by the Green Door and shall be available for inspection by the public upon request.

6. The Green Door shall locate its trash dumpster in the side yard with access from the public alley and shall arrange to have the trash removed twice a week or more often if needed.

7. The Green Door shall establish a liason program with the community that shall include attendance at local ANC meetings, provision of a 24 hour phone number to the citizens that they may use in an emergency and provision of the names and addresses of the current Board of Directors to affected parties including the Residential Action Coalition and the Dupont Circle Citizens Association.

8. The Green Door shall instruct present and future employees to utilize public transportation and the parking spaces provided at 1637 Q Street, N.W. A list of automobiles by type, color and license plate number for all employees including volunteers shall be maintained by the Green Door and shall be available for inspection by the public upon request.

9. Employees of the Green Door shall not be allowed to park in residential permit parking areas.

10. The three vans used by the Green Door, Inc., shall be parked on the parking lot at 1637 Q Street, N.W.

VOTE: 4-0 (Charles R. Norris, Walter B. Lewis, William F. McIntosh and Carrie L. Thornhill to grant; Douglas J. Patton not voting, not having heard the case).

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

ATTESTED BY: Steven E. Sher (BJM)
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 AUG 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.

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