

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14257 of the George Washington University, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to use the subject lots as a university parking lot for forty-seven cars, the administrative building and storage shed to be razed, in an R-5-C District at premises 2023-2035 H Street, N.W., (Square 101, Lots 866, 867, 868 and 872).

HEARING DATE: February 27, 1985

DECISION DATE: February 27, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of H Street between 20th and 21st Streets and is known as premises 2023-2035 H Street, N.W. The site is located in an R-5-C District.

2. The subject site contains a fourteen space brick parking facility, an administrative building and storage shed. The University propose to raze the building and shed and to use the site for forty-seven parking spaces for the faculty, staff and students.

3. When the University's construction of a new support building located at 2025 F Street, N.W., was completed, the truck parking formerly on this site was relocated to that site.

4. The use of the subject parking lot with fourteen spaces and associated buildings was last approved in BZA Order No. 13667, dated July 6, 1982, for a period of five years.

5. In BZA Order No. 13999, dated December 13, 1983, the Board decided that all of the University's temporary parking lots would terminate on November 14, 1987. The Board would then schedule all the lots for one public hearing date in order to evaluate the total impact of the parking lots on the campus.

6. The applicant now seeks permission to operate the parking lot with forty-seven spaces until November 14, 1987.

7. The University's approved campus plan requires the provision of 2,700 to 3,000 parking spaces. The proposed

forty-seven spaces will partially offset the eighty space reduction due to the construction of the support building.

8. At the request of the District of Columbia Department of Public Works, the University hired a consultant to survey parking needs, both current and projected. The study, which was based on a full 100 mile Metrorail operation by 1990, projects parking requirements in 1985 to be 2,889 spaces and to be about 2,560 spaces in the mid 1990's.

9. The University has projected that its current inventory, which is 2,760 spaces, will decrease to 2,710 spaces. When that number is compared to the projected 1985 requirement of 2,889 developed by the consultant survey, and also when compared with the 2,700 minimum required by the approved campus plan, the need to approve the subject application is demonstrated.

10. The University is not a typical 9:00 A.M. to 5:00 P.M. five day a week operation. Many of its work shifts begin or end when public subway transportation is not operating. Furthermore, about one half of the University's enrollment consists of part time students who come to the University from various places of residence or employment to attend class and then depart for residence or place of employment throughout the metropolitan area.

11. In approving the campus plan, the Board restricted the maximum amount of parking on a campus-wide basis to less than the number ordinarily required, to foster the use of public transportation. This lower number of spaces reflects the University's continued commitment to encourage the use of public transportation. The University is an active participant in the Board of Trade/Council of Governments Commuter Club and it does have an active carpool locator service. Also, the University discourages the use of automobiles in that it does not provide free parking. The University charges for its parking on a per cost basis.

12. The Department of Public Works (DPW), in a memorandum dated February 20, 1985, reported that access to the parking lot is proposed from H Street, via a new curb cut. The DPW recommended that the applicant explore the possibility of providing access by widening an existing easement along the northern border of the site. If this easement were widened from ten to sixteen feet for approximately seventy feet east of 21st Street, the entrance to the lot could be provided via the easement, without necessitating an additional curb cut on H Street. The DPW further recommended that the applicant should comply with all screening and landscaping requirements contained in the new parking and loading regulations effective March 1, 1985.

13. In response to the easement issue raised by the DPW, the applicant stated that the property to the east of the subject lots is 2021 Eye Street, which is not owned by the University. It is owned by the Bureau of Catholic Missions. In the planned unit development related to the subject Square 101, which is the 2000 Pennsylvania Avenue development, an alley which came in from the west from 21st Street was closed. By way of a covenant with the District Government, a private alley with an easement to the Indian Mission for free ingress and egress to the rear of their lot was created. The problem created, in the applicant's opinion, is that any flat piece of ground in the city is fair game for parkers and it becomes a continual problem. In one recent situation, the University posted a no parking sign. It had its security people notify the D.C. Metropolitan Police Department. The Department would ticket vehicles and, if the vehicle was not moved, the Metropolitan Police would tow it.

14. In light of the situation set forth in Finding No. 13, the University requested that this particular parking lot be serviced by a curb cut off H Street. Its concern was that if the University openly permitted a thoroughfare through that easement, it would encourage congestion and bootleg parking. The University was aware that the curb cut will remove probably two parking meters or street parking spaces. However, in this subject case, inasmuch as most of that parking in that area is student, faculty, staff and visitor parking to the University, the parking provided in the subject application would more than offset those two spaces to be lost.

15. The applicant proposes to erect a new corrugated steel barricade and a chained access to the north of the site. They will front on the easement. The barricade would act partially as a parking bumper to prevent any of the parked cars from protruding into the easement right-of-way and prevent a thoroughfare from the parking lot to the easement. The chained access is to provide an emergency exit from the lot in case of a blockage on the streets. This is a common procedure for all the University lots.

16. It is not feasible to chain off the entrances to the easement right-of-way from 21st and 22nd Streets. The rights of the Mission under the easement and under the covenant are free ingress and egress and there is the same situation on the east end of the block with another private property owner which has to have free ingress and egress. Additionally, it would necessitate supplying all users of the lot and the easement right-of-way with keys.

17. The subject area is landscaped. This area for the most part had been a truck parking lot for the transportation department, which was moved to F Street in

the new support building. The University will raze an administrative building where transportation used to be and a little repair shop and pave over that area.

18. Advisory Neighborhood Commission 2A, by letter dated February 15, 1985, reported that the ANC had no comment on the application. The Board is required by statute to give "great weight" to the issue and concerns of the ANC. In the subject application, none were raised by the ANC.

19. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception the granting of which requires that the proposal meet the requirements of Paragraph 3101.46 and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

The Board concludes that the applicant has met its burden of proof. The proposed use, as conditioned below in this grant of the application, is not likely to become objectionable to neighboring property because of noise, traffic, or other objectionable conditions. The use will not have an adverse affect on the use of neighboring property. The proposal is consistent with the approved campus plan. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the FOLLOWING CONDITIONS:

- A. Approval shall be for a period terminating on November 14, 1987.
- 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 (John G. Parsons, Douglas J. Patton, William F. McIntosh and Carrie L. Thornhill to grant, Charles R. Norris not present, not voting).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 29 MAY 1985

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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