

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14320 of ESP Associates Limited Partnership, et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to use the subject site as a surface parking lot in an R-5-D District at premises 2138-2144 L Street, N.W., (Square 73, Lots 44, 69, 827, 828, 864, 868, 57, 58, and 59).

HEARING DATE: September 11, 1985  
DECISION DATE: October 2, 1985

FINDINGS OF FACT:

1. The subject site is located on the south side of L Street between 21st and 22nd Streets and is known as premises 2138-2144 L Street N.W. It is zoned R-5-D.

2. The subject site consists of twelve lots containing a total lot area of approximately 12,553 square feet. The site has a frontage on L Street of approximately ninety-five feet and abuts the intersection of two thirty-foot wide public alleys to the south and east. The site is separated from the adjacent C-3-C District by the public alleys.

3. Lots 44 and 864 through 868 have been used for commercial parking purposes since December 1, 1965 pursuant to BZA approval. The most recent BZA approval for permission to use those lots for parking was BZA Order No. 13771, dated September 30, 1982 for a period terminating on April 28, 1984.

4. Lots 57, 58, and 59 were first used for parking in 1961 but are currently vacant. Lots 69, 827 and 828 are currently undeveloped. The applicant proposes to include those vacant lots as part of the proposed parking lot.

5. The subject site is part of the site of a planned unit development and rezoning application which is presently pending before the Zoning Commission in Case No. 85-5C. The applicant proposes to operate a commercial parking lot on the site as an interim use pending the outcome of the planned unit development and rezoning application.

6. The existing parking lot has a capacity for approximately forty vehicles. The proposed expansion will increase the overall capacity of the lot to approximately seventy-eight vehicles.

7. The applicant submitted a schematic diagram of the proposed parking layout marked as Exhibit No. 25A of the record. The diagram evidences that approximately 782 square feet will be devoted to landscaping in compliance with Paragraph 7206.91 of the Zoning Regulations.

8. The hours of operation of the proposed parking lot will be from 7:30 AM to 6:30 PM, Monday through Friday. An attendant will be on duty at all times during those hours.

9. The proposed parking lot will be paved with asphalt for a depth of at least four inches. Wheelstops, cables and posts will be installed so that no vehicle will extend over the property line. Lighting will be arranged so as to direct rays of illumination to the surface of the lot. The only structure which will be located on the site is the existing attendant's shelter.

10. The existing parking lot serves the residents and employees of surrounding apartment buildings, offices, retail and service establishments, the George Washington University Hospital, Group Health Association and the Columbia Hospital for Women. The proposed parking lot will continue to serve those uses.

11. Vehicular access and egress is limited to a single existing twenty-four foot wide driveway located on the L Street frontage. The driveway is located approximately 145 feet east of 22nd Street and approximately 380 feet west of 21st Street.

12. The applicant's traffic expert, by testimony at the public hearing and written report marked as Exhibit No. 25 of the record, stated that the proposed parking lot will not create any dangerous or otherwise objectionable traffic impacts on the adjacent streets or the surrounding neighborhood. The traffic generated by the existing forty-car parking lot does not create objectionable traffic conditions in the vicinity of the site. The net increase of vehicles will not create an adverse impact on the adjacent street system in that vehicles coming to the lot will be spaced over the peak hour period and will be barely noticeable during peak street traffic hours. The expanded lot will not be an "attractor" lot creating additional auto traffic downtown but will serve to redistribute vehicles already seeking parking in the vicinity of the site. The site is readily accessible to major traffic arteries that radiate within the city and into the suburbs. The Board so finds.

13. Advisory Neighborhood Commission 2A, by resolution dated July 19, 1985, supported the continuation of the existing parking lot but opposed any expansion of the lot. The ANC's opposition to the proposed expansion was based on the following:

- a. There are already hundreds of off-street parking spaces, both in garages and in surface parking lots, within a four block radius of the subject site.
- b. The lots which would provide space for the proposed expansion were previously improved with habitable townhouses that were demolished within the six months preceding the public hearing on the application. It is not the policy of the ANC to encourage the destruction of housing for the substitution of other uses, especially surface parking site.
- c. The lots in question are zoned R-5-D and the ANC opposes the use of residentially zoned land for any purpose other than long-term domiciliary use.

The ANC recommended that the applicant pave the entire property to keep down dust and prevent the use of bricks by vandals. The ANC further recommended that the applicant secure that portion of the property not presently used for parking purposes to prevent parking on those lots, either for pay or for free.

14. The ANC's support of the continuation of the parking lot was based on its prior use as a parking lot for more than five years and that the parking use as proposed is an interim use for less than five years pending the outcome of the planned unit development application pending before the Zoning Commission.

15. The Chairperson waived the requirements of Section 303.1 of the Supplement Rules of Practice and Procedure before the BZA to accept the report of the Department of Public Works.

16. The Department of Public Works, by memorandum dated September 14, 1985, indicated that it had no objections to the granting of the application. The Department of Public Works was of the opinion that the subject parking lot was in excellent condition and served the needs of nearby office, retail and service establishments. The Board so finds. The Department of Public Works noted the pending Zoning Commission case and recommended that approval be limited to two years.

17. The owner/resident of 2150 L Street, N.W., immediately adjacent to the parking lot appeared at the public hearing in opposition to the application. She complained that damage to her fence and the walls of her residence have occurred in the past and that unauthorized persons loitered on the subject property after hours, making noise, throwing objects at her home, littering her property and other disorderly behavior.

18. A representative of the Residential Action Coalition testified at the public hearing in opposition to the application. The RCA representative concurred with the objections raised by the owner of the residence adjacent to the parking lot. The RCA representative further objected to the continuation of the lot pending the outcome of the Zoning Commission application because the property could be developed with residential use as a matter-of-right without any delay.

19. At the request of the Board the applicant submitted a list of conditions which could prevent the recurrence of events which have allegedly taken place on the site in the past. The applicant's proposed conditions are as follows:

- a. Pave the vacant portion of the site.
- b. Maintain the parking lot in a neat and orderly manner.
- c. Post the operator's telephone number on the property to ensure access to the operator's 24-hour personnel to respond to security problems, as well as at least one visit to the site by operator's security staff between the hours of 11:00 P.M. and 2:00 A.M., Thursday through Sunday.
- d. Install wheelstops, posts and cables to prevent vehicles from extending over the property line and to prevent unauthorized vehicles from entering the lot from the public alley at the rear of the site.
- e. Illuminate the lot from sunset to sunrise.
- f. Work with the Metropolitan Police Department, whose officers patrol the vicinity of the site.
- g. Consult the next door neighbor on a monthly basis to discuss the effectiveness of the foregoing precautions.

20. The Board is required by statute to give "great weight" to the written issues and concerns of the Advisory Neighborhood Commission. In addressing those issues and concerns, as well as those of the opposition, the Board finds as follows:

- a. A parking lot is a permitted use in a residential district provided that the special exception provisions set forth in Paragraph 3101.48 are met.
- b. The availability of off-street parking on other sites in the neighborhood is not relevant to the subject case.

- c. The Board can not require the applicant to develop the site with residential units to meet the policy standards of the ANC or other citizens groups.
- d. Allowing the site to remain vacant and unused will not alleviate the security concerns of the next door neighbor.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires proof that the applicant has complied with the requirements of Paragraph 3101.48 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The subject site is located in its entirety within 200 feet of an existing commercial district and is separated therefrom by a public alley. The parking lot will comply with the provisions of Article 74. The use is reasonably necessary and convenient to other uses in the vicinity and will help reduce overspill parking on neighborhood streets. The majority of the parking spaces will serve the short-term parking needs of medical office, retail and service facilities in the vicinity. No dangerous or otherwise objectionable traffic conditions will result and the present character and future development of the neighborhood will not be affected adversely. The Board concludes that it has afforded the ANC the "great weight" to which it is entitled and further, that the concerns of the opposition are addressed by the conditions hereinafter imposed.

The Board further concludes that, as hereinafter conditioned, the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations. It is therefore ORDERED that the application be GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of TWO YEARS.
2. All areas devoted to driveways, access lanes, and parking areas, including the vacant portions of the site, shall be paved with material which forms an all-weather impervious surface.
3. The parking lot shall be illuminated between sunset and sunrise.
4. Wheelstops, poles and cables shall be installed to prevent vehicles from extending over the property line and to prevent unauthorized vehicles from

entering the parking lot from the public alley at the rear of the lot.

5. Bumper stops shall be installed where buildings are adjacent to the lot.
6. Security staff shall visit the site at least once between the hours of 11:00 P.M. and 3:00 A.M., seven days a week.
7. The lot shall be landscaped as set forth in Exhibit 25A of the record.
8. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
9. 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.
10. 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.
11. 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 (Charles R. Norris, William F. McIntosh, John G. Parsons and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting) SUBJECT to the following CONDITIONS:

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

ATTESTED BY:



CECIL B. TUCKER  
Acting Executive Director

FINAL DATE OF ORDER: 24 JAN 1986

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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