

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14379 of St. Luke's Episcopal Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue a parking lot at 1514-20 Church Street, N.W. (Lots 84, 85, 86 and 87) and to establish a parking lot at 1503 P Street, N.W. (Lots 66, 92 and 93) in an R-5-B District, both premises being located in Square 194.

HEARING DATE: January 15, 1986  
DECISION DATES: February 5, and March 5, 1986

FINDINGS OF FACT:

1. The properties which are the subject of this application have previously been considered by the Board as two separate applications. The first property is located on the south side of Church Street between 15th and 16th Streets and is known as premises 1514-20 Church Street, N.W. The second property is located at the northwest corner of the intersection of 15th and P Streets, N.W. The properties are zoned R-5-B.

2. The subject properties were most recently considered by the Board in Application Nos. 13591 and 13592. The Board approved the continuation of the parking lot at 1514-20 Church Street, with conditions, for a period terminating on August 24, 1984. The Board denied the continued use of 1503 P Street, N.W. for parking purposes and directed the applicant to take necessary and appropriate measures to insure that no parking occur on lots 66, 92 and 93 in Square 194. At the time of the public hearing on this application, there was no Certificate of Occupancy in force to permit parking on either of the subject properties.

3. Since the properties are in common ownership, are in the same square and are located immediately west and south of the applicant church, the Board consolidated both lots for public hearing purposes.

4. The applicant operated the parking lot at 1514-20 Church Street, lots 84 thru 87, from September 18, 1963 through August 26, 1984, pursuant to special exception approval by the Board. Through inadvertence, the applicant did not request a timely continuation of the special exception approval prior to expiration of the Certificate of Occupancy. When the applicant became aware that the lot was

operating illegally, the applicant erected barriers around the lots to prevent their use for parking purposes pending action by the Board on this application.

5. The applicant operated the parking lot at 1503 P Street, lots 66, 92 and 93, from September 18, 1963 through January 6, 1982, pursuant to special exception approvals by the Board. The Board denied the continued use of these lots for parking purposes by Order No. 13592, dated June 4, 1982. The applicant has roped off these lots and prevented parking use of these lots since that time.

6. The applicant is presently seeking Board approval to re-establish the use of 1503 P Street for parking purposes and to continue the use of 1514-20 Church Street for parking purposes to allow consolidation of the subject lots with additional properties used by the applicant for parking purposes within the same square.

7. In addition to the lots which are the subject of this application, the applicant owns six other lots in the square which were established for parking purposes prior to the adoption of the Zoning Regulations on May 12, 1958. Two of those lots, lots 88 and 89, face on Church Street immediately east of lots 84 thru 87, and are used for parking purposes. Part of lots 88 and 89 are fenced and grassed for use as a tot play yard. The remaining four lots front on P Street. Lots 67 thru 69 are immediately west of lot 66 and are currently used for parking purposes. Lot 94 is located immediately east of lot 66 and south of lots 92 and 93. Lot 94 is not used for parking purposes because access to that lot would be through lot 66 which is barricaded to prevent parking or through public space along P or 15th Streets. Lots 88, 89, 67 thru 69 and 94 are not subject to Board approval because of their status as nonconforming uses.

8. The applicant proposes to use the subject lots for parking purposes in conjunction with its existing parking lots located in the same square to provide off-street parking for church members, visitors and employees. Operation of the existing nonconforming parking lots is disjointed and ineffective. Approval of the subject lots for parking purposes will allow the applicant to implement a comprehensive parking plan, will generate needed revenue for the church, prevent spill-over parking onto neighborhood streets, and will provide convenient parking for employees and visitors to nearby office, commercial and institutional buildings.

9. The area surrounding the subject lots is a mixture of medium to high-density residential, commercial, professional office, institutional, hotel and parking lot uses. Directly across 15th Street to the east, in a CM District, are commercial uses including a parking lot, car wash and an

automobile electric tune-up center. South of the site, on P Street is the Carnegie Institute of Washington, abutted by a parking lot used primarily for its employees and visitors. West of the subject is the Foundry Methodist Church located on 16th Street in the SP-1 District. To the north and northwest of the site, the area is dominated by medium to high-density residential uses. To the south and southwest, the area is dominated by office buildings, hotels and foreign embassies. The area is characterized by sizeable structures which range from four to eight stories in height.

10. The lots will be leased for commercial parking during the week to provide parking for employees and visitors of the non-residential uses in the immediate area. The hours of operation will be from 7:45 A.M. to 6:00 P.M., Monday through Friday. The record contains numerous letters from persons who work in the area and desire to park on the subject lot.

11. The primary use of the subject lots by the church will be for Sunday services. The church membership consists of approximately 1,050 persons. The church conducts three Sunday services. Attendance at the services ranges from approximately 50 persons at the 7:00 A.M. service, 210 persons at the 9:00 A.M. service to 230 people at the 11:00 A.M. service. The lot can not accommodate all attendees of church services. The additional vehicles seek parking along P, 15th, Q and Corcoran Streets. The church also uses the subject lots on other days for weddings, meetings, choir rehearsals, and other church functions.

12. The Church Street lots will be paved and striped for thirty-eight stacked parking spaces. Access to the lot will be from Church Street via a fifteen foot wide driveway located approximately 200 feet west of 15th Street. Wheel stops will be provided on the south side of the lot to prevent access to the lot from the adjacent ten foot wide public alley.

13. The P Street lots will be paved and striped for fifty stacked parking spaces. Access to the lot will be from P Street via a seventeen foot wide driveway located approximately seventy-five feet west of 15th Street. Wheel stops will be provided along the north side of the lot to prevent access to the lot from the public alley. There is no access to the lot from 15th Street.

14. Attendant parking will be provided on both lots. An attendant's shelter is located on the P Street lot to the east of the driveway. The attendant on the Church Street lot uses an attendant's shelter located on an adjacent parking lot which is not owned by the applicant.

15. The access aisle on the Church Street lot is twenty-one feet in width. The access aisle on the P Street lot is twenty feet in width. With attendant parking, the applicant estimates that the lots can accommodate from five to eight additional vehicles parked in the access aisles.

16. The applicant has no immediate plans for the future development of the subject lots. The applicant is currently assessing potential alternative uses of the lot, including housing for the elderly, but is not in a financial position to implement any development plans in the near future.

17. The applicant proposes to construct a retaining wall along the eastern property line of the P Street lot to prevent any encroachment of the parking use in the public space along 15th Street. The applicant also proposes to install tree boxes along the 15th Street side of the retaining wall to prevent the illegal use of the public space for parking and to enhance its appearance.

18. By report marked as Exhibit No. 37A of the record and by testimony at the public hearing, the applicant's expert traffic witness indicated that the proposed use of the subject sites for parking will have no noticeable adverse impact on traffic on adjacent streets because arrivals and departures will be random in nature; the use of the lots will assist in minimizing commuter parking spillover on to adjacent streets; and the lots are needed to provide parking for nearby commercial activity. In addition, adverse impacts would be minimized because the lots are attended to assure that vehicles are safely and properly parked and the lots will be refurbished and wheel stops and other protective devices will be installed to assure that no vehicles will be parked or maneuvered on public space. The Board so finds.

19. The Midway Civic Association (MCA), by representative at the public hearing supported the application. The MCA was of the opinion that the lots provided a needed service and, further, that the church has been and will continue to be a good neighbor.

20. Sub-paragraph 3101.481 requires that the proposed parking lots be located in their entirety within 200 feet of an existing commercial or industrial district and be contiguous to or separated only by an alley from such commercial or industrial district. The nearest commercial or industrial district to the subject site is the C-M-3 District located on the east side of 15th Street. The subject lots do not meet the requirements of Sub-paragraph 3101.481. The applicant requested clarification of the applicability of that provision from the Zoning Administration. By letter dated February 14, 1986, the Zoning Administrator indicated

that the property is not subject to the 200 feet requirement of Sub-paragraph 3101.481. The Board so finds.

21. The Department of Public Works submitted two reports on this application. By reports dated December 16, 1985, the DPW indicated that it had no objection to the application because the lots were adequately paved, screened and landscaped, and provided needed parking for the church. By report dated December 19, 1985, the DPW recommended the continued use of the lots for parking based on the need for commercial parking in the area to prevent adverse impacts caused by Office commuters parking on neighborhood streets since curbside parking in the area is limited. The Board concurs with the recommendation of the DPW.

22. The Chairperson waived the Rules to accept the written report of the Advisory Neighborhood Commission which was filed six days prior to the public hearing instead of seven days as required by the Rules.

23. Advisory Neighborhood Commission - 2B, by resolution dated January 9, 1986, opposed the granting of the application for the following reasons:

- a. The lots are zoned for residential use;
- b. Special exception relief has been sought in the past and there is no indication that there are plans to use the lots for a purpose for which they are zoned; and,
- c. The lots create an eyesore due to poor maintenance.
- d. Parking lots are scary at night and attract prostitution and drug traffic.
- e. The properties should be developed residentially.

26. The Board is required by statute to give "great weight" to the written issues and concerns of the ANC. In addressing these issues and concerns, as well as those of the other opposition, the Board finds that:

- a. The applicant is seeking relief through a special exception and not through a use variance. The applicant has no burden to establish that the site cannot be used for residential purposes. The proposed parking lot use is permitted if found by the Board to be in conformance with Paragraph 3101.48 of the Zoning Regulations.
- b. The application is to establish one parking lot and to continue the other. The past history of both lots, while instructive, is not controlling.

The applicant has presented persuasive evidence that it will remedy the previously existing adverse impacts and such as accumulation of trash, poor maintenance and the use of public space for vehicle manuevering and parking. In addition, with the conditions imposed on the grant of the application, the Board will demand compliance. If the applicant fails to comply, the opposition may seek remedy through the proper enforcement agencies of the District of Columbia Government or by offering substantive evidence before the Board at the time that application for renewal of these parking lots is made.

- c. The Board is not persuaded by the assertion of the representative of the RAC that the lots would adversely impact on traffic or surrounding streets and in this case, is swayed by the evidence and testimony of the applicant's expert traffic witness.

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 pursuant to Paragraph 3101.48 of the Zoning Regulations. The Board has authority under Paragraph 3101.48 to approve a parking lot provided:

- a. Such use will be located in its entirety within 200 feet of an existing Commercial or Industrial District and such parking lot shall be contiguous to or separated only by an alley from such Commercial or Industrial District;
- b. All provisions of Article 74 are complied with;
- c. No dangerous or other objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely;
- d. The parking lot is reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in overspill parking on neighborhood streets;
- e. A majority of the parking spaces will serve residential uses or short-term parking needs of retail, service and public facility uses in the vicinity; and

- F. Before taking final action on an application for such use the Board shall have submitted the application to the District of Columbia Department of Public Works for review and report.

The Board concludes that the applicable burden of proof has been met by the applicant. As set forth in Finding of Fact No. 20, Sub-paragraph 3101.481 does not apply to the subject application. As hereinafter conditioned, the proposed lots shall comply with all provisions of Article 74. As set forth in Finding of Fact Nos. 16 and 18, no dangerous or otherwise objectionable traffic conditions will result from the proposed use and the present character and future development of the neighborhood will not be affected adversely. As set forth in Finding of Fact No. 10 and reinforced by numerous letters in support of the service in the record, the lot is reasonably necessary and convenient to other uses in the vicinity and will result in a reduction in overspill parking on neighborhood streets. The proposed lots are available to nearby commercial, office and institutional uses in the vicinity. As evidenced by Finding of Fact No. 21, the application was referred to the Department of Public Works for review and report.

The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. The Board further concludes that the proposed request can be granted as consistent with the general purpose and intent of the Zoning Regulations.

Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of FIVE YEARS.
- B. The applicant shall install tree boxes in the public space subject to review and approval by the Public Space Committee.
- C. The applicant shall construct a retaining wall between the subject site and adjacent public space.
- D. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- E. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- F. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space. The applicant shall keep

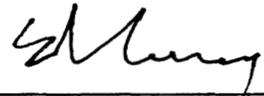
the public area adjoining the parking lot free of refuse and debris.

- G. 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.
- H. 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.
- I. 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: 3-1 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; Lindsley Williams abstaining by proxy; William F. McIntosh opposed to the motion).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: AUG 1 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 LICENSES, INVESTIGATIONS AND INSPECTIONS.

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