

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14405 of the Brookings Institution, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.49 to operate a parking lot in an R-5-D District at premises 1738 through 1748 P Street, N.W., (Square 157, Lot 113).

HEARING DATE: April 9, 1986

DECISION DATE: April 9, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The parking lot site is located on the southside of P Street, N.W. between 17th and 18th Streets. It is known as 1738-48 P Street, N.W. The site is located in an R-5-D District.

2. The parking lot is part of Lot 113 in Square 157. Lot 113 is a through lot, with frontage on Massachusetts Avenue as well as P Street. The Massachusetts Avenue frontage is zoned SP-2 and is improved with two office buildings, one of which is occupied by Brookings.

3. The lot has been used for parking through BZA approval for approximately nineteen years. The most recent approval, BZA Order No. 14106, expired on August 21, 1985. In that Order, the Board had granted an 18 month renewal to encourage Brookings to develop the land.

4. The applicant seeks permission to continue to operate the parking lot until the property is developed under the Planned Unit Development process. The Zoning Commission (ZC) approved the applicant's development plans in ZC Order No. 457, dated May 13, 1985. The Z.C. Order is being appealed in the District of Columbia Court of Appeals.

5. The lot accommodates 63 cars. Access to the lot is provided by means of a 25 foot driveway on P Street which is located approximately 245 feet from the intersection of 18th and P Streets, N.W.

6. The lot is located immediately behind Brookings headquarters and annex buildings which front on Massachusetts Avenue. The parking lot is located within 200 feet of Brookings office building.

7. Bumper stops have been erected and maintained. No vehicle projects over any lot or building line or public space. The lot is kept free of refuse and debris. No structure exists on the lot. Lighting rays are projected downward on the surface of the lot. The lot and driveways are paved with an all-weather impervious surface.

8. It is economically impracticable to locate the parking spaces within the principle building because there is not enough space to accommodate the employees who drive. Many of those employees have no direct access from their homes to public transportation.

9. The parking lot is separated from the two adjacent property owners. The National Historic Trust and the Avondale Cooperative, by an alley and a driveway respectively.

10. The lot is used for employee and visitor parking during daytime hours. It is not a commercial lot. During the evening hours and on weekends the neighbors park on the lot.

11. There is a three-foot high brick wall along the frontage of the lot on P Street. There is a ten-foot high brick wall separating the parking lot from the Brookings office building which fronts on Massachusetts Avenue.

12. Pursuant to Paragraph 3101.49 the application was referred to the Department of Public Works. They did not file a report.

13. A letter from the Advisory Neighborhood Commission (ANC) 2B, dated April 2, 1986, recommended approval of the application for a period of 18 months with the conditions that the lighting be improved and properly maintained and that all trash and debris be removed from the lot and adjacent gardens and that snow be removed from the adjacent sidewalk on P Street.

14. The Board is required by statute to give "great weight" to the issues and concerns of the ANC when they are reduced to writing in the form of a report. The Board concurred with the maintenance concerns of the ANC. The Board finds that the applicant has addressed the concerns of the ANC satisfactorily at the public hearing. The Board also finds that the approval herein for a period of two years is more equitable to the applicant.

15. The Residential Action Coalition (RAC) opposes the continuation of the parking lot. However, recognizing that the application might be granted, RAC urged the Board to limit the period to six months.

16. In a letter from the Dupont Citizen's Association dated April 8, 1986, the organization opposed the application. They found the parking lot to be offensive and a "blight on an otherwise rapidly improving neighborhood."

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 a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3101.49 and that the relief requested pursuant to Sub-section 8207.2 of the Zoning Regulations be granted.

Paragraph 3101.49 provides that:

- a. Such parking spaces will be in an open area or in an underground garage no portion of which, except for access, extends above the level of the adjacent finished grade, provided in either case they are located in their entirety within 200 feet of the area to which they are accessory, and provided further that they are contiguous to or separated only by an alley from the use to which they are accessory;
- b. All provisions of Article 74 are complied with;
- c. It is economically impracticable or unsafe to locate such parking spaces within the principle building or on the same lot on which such building or use is permitted because of strip zoning or shallow zoning depth; restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on such lot; unusual topography grades, shape, size or dimensions of the lot ; the lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or, traffic hazards caused by unusual street grades or other conditions;
- d. Such parking spaces are so located and facilities in relation thereto are so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions;
- e. The Board shall have submitted the application to the District of Columbia Department of Transportation for review and report.

The Board concludes that the applicant has met its burden of proof and has substantially complied with the

provisions of Paragraph 3101.49. The parking lot is located within 200 feet of Brookings office building. The lot and driveways are paved with an all-weather impervious surface. Bumper stops have been erected and maintained. No vehicle projects over any lot or building line. The lot is kept free of refuse. No structure exists on the lot and all lights are projected downward on the surface. Additionally, it is economically impracticable to locate such parking spaces on the same lot as the Brookings office building because there is not enough space to meet their needs. Sections of Paragraph 3101.49 which address strip zoning, restricted lot size caused by adverse ownership, lack of an alley, or traffic hazards caused by unusual street grades or conditions are not applicable.

The Board also finds that it is not likely that the parking lot will become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions. An alley and a driveway separate the lot from the two adjacent property owners. The Board further concludes that it has afforded the ANC their "great weight" to which it is required by law. Accordingly it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- A. Approval shall be for a period of TWO YEARS from the date of expiration of the previous order, August 21, 1985.
- B. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- C. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- D. 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.
- E. 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.
- F. 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, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill)

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER:

AL. 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.

14405order/KATE17