

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14761 of the Brookings Institution, pursuant to 11 DCMR 3108.1, for a special exception under Section 213 to continue to operate an accessory parking lot in an R-5-D District at premises 1738-48 P Street, N.W., (Square 157, Lot 113).

HEARING DATE: March 9, 1988
DECISION DATE: March 9, 1988 (Bench Decision)

FINDINGS OF FACT:

1. The parking lot site is located on the south side 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 twenty-one years. The most recent approval, BZA Order No. 14485, expired on August 21, 1987. In that Order, the Board had granted a two year renewal to encourage Brookings to develop the land.

4. The applicant seeks permission to continue to operate the parking an additional 18 months until the property is developed under the Planned Unit Development process. The Zoning Commission (ZC) approved the applicant's development plans in Z.C. Order No. 457, dated May 13, 1985. That decision was subsequently being appealed in the District of Columbia Court of Appeals. The Court decided the case on October 20, 1986, upholding the Z.C.'s decision approving the PUD. Because of the delay pending resolution of the appeal, market conditions were changed and the applicant was required to find a new developer. The new developer projects commencement of construction of the PUD in approximately eighteen months.

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 Section 213.8 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 February 15, 1988, recommended approval of the application with the conditions that the lighting and cleaning of the lot be properly maintained.

14. The Office of Planning (OP), by memorandum dated February 26, 1988, recommended that the application be approved with conditions. The OP was of the opinion that the parking lot does not create objectionable conditions for adjoining and nearby properties contingent on the following conditions:

- a. Repair and maintenance of the 3 foot brick wall along P Street;
- b. Scheduled removal of trash and debris from the green area;

- c. Minor landscape improvements to the green area to beautify the community; and,
- d. Approval should not exceed eighteen months.

The Board concurs with the recommendation of the OP.

15. By letter dated March 9, 1988, the Dupont Circle Citizens Association (DCCA) opposed the application. The DCCA was of the opinion that the subject lot is an unpleasant contrast to the otherwise appealing residential character of the block and does not contribute to the goal of preserving existing inner city neighborhoods.

16. There was opposition to the application at the public hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of 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 Section 213 and Section 3108.1 of the Zoning Regulations.

The Board concludes that the applicant has met its burden of proof and has substantially complied with the provisions of Section 213. The parking lot is located within 200 feet of the Brookings office building. The lot and driveways are paved with an all-weather impervious surface. Bumper stops have been erected and maintained. No vehicles project 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 those needs.

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:

1. Approval shall be for a period of two years from the date of expiration of the previous order, namely until August 21, 1989.
2. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

3. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
4. 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.
5. 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.
6. 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, Maybelle T. Bennett, William F. McIntosh and Carrie L. Thornhill to grant; Paula L. Jewell not present, not voting).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

JUN 17 1988

FINAL DATE OF ORDER: _____

UNDER SUB-SECTION 3103.1, "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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14761

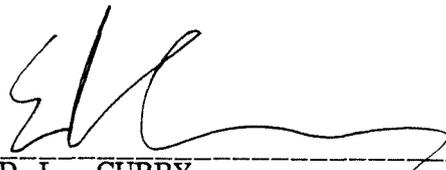
As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated JUN 17 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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EDWARD L. CURRY
Executive Director

DATE: JUN 17 1988