

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16309 of The George Washington University**, pursuant to 11 DCMR 3108.1, for a special exception under Section 210 for further processing of an approved campus plan to continue University parking lot uses in R-5-D and R-5-E Districts at premises 906 23<sup>rd</sup> Street, N.W.; 700-718 23<sup>rd</sup> Street, N.W.; 2301-2329 G Street, N.W.; 2200 I Street, N.W.; 2003-2011 H Street, N.W.; 2023-2035 H Street, N.W., 2006 G Street, N.W.; 2010 G Street, N.W.; 2022 G Street, N.W.; 2030 G Street, N.W. and 2007 F Street, N.W. (Square 40, Lot 36; Square 42, Lot 847; Square 55, Lot 853; Square 101, Lots 60 and 877; and Square 103, Lots 13, 812, 813, 817 and 819).

**HEARING DATE:** March 4 1998  
**DECISION DATE:** March 4, 1998 (Bench Decision)

**ORDER**

**SUMMARY OF EVIDENCE:**

1. The subject application requests approval to continue using the existing surface parking lots located within the boundaries of The George Washington University (the "University") campus plan. These lots serve faculty, staff and students, and are counted as part of the University's required minimum number of spaces for on-campus parking.
2. Lots 11 and 13, located at 906 23<sup>rd</sup> Street, N.W., at Washington Circle between New Hampshire Avenue, N.W. and 23<sup>rd</sup> Street, N.W. (Square 40, Lot 36), comprise a 265-space parking lot for the University Hospital physicians and staff. Lot 11, with 195 spaces, is used for Hospital medical residents and staff. Lot 13, with 70 spaces, is used for attending physicians and some administrators. The lots are contiguous, separated by an internal fence. The eastern portion of this parking lot is in the R-5-D District and the western portion is in the R-5-E District.
3. Lot D constitutes a 109-space parking lot for University faculty, staff and students located at 700-18 23<sup>rd</sup> Street, N.W. and 2301-29 G Street, N.W. It is situated on the northeast corner of the intersection of 23<sup>rd</sup> and H Streets, N.W. (Square 42, Lot 847). Lot D

is in the R-5-D District. Lot D was formerly two separate lots consisting of 57 spaces and 105 spaces. The smaller lot has been developed as New Residence Hall, approved in BZA Order No. 16036, with 59 underground parking spaces, and these parking spaces are not a part of this application. The remaining surface lot has been reconfigured and increased by four spaces to the present total of 109 spaces.

4. Lot 17 is a 9-space parking lot for University faculty and staff located at 2200 I Street, N.W. (Square 55, Lot 853). It is situated on the southwest corner of the intersection of 22<sup>nd</sup> and I Streets, N.W. It is zoned R-5-D.

5. Lot 3 is a 59-space parking lot for University faculty and staff located at 2003 H Street, N.W. (Square 101, Lot 60). It is situated on the northwest corner of 20<sup>th</sup> and H Streets, N.W. It is zoned R-5-D.

6. Lot 9 is a 53-space parking lot for University faculty, staff and students located at 2023-35 H Street, N.W. (Square 101, Lot 877). It is situated on the northeast corner of 21<sup>st</sup> and H Streets, N.W. It is located in the R-5-D District. Lot 9 was approved for 47 spaces for cars and 25 spaces for motorcycles. The University has found that there is insufficient demand for motorcycle parking spaces. Removal of the motorcycle spaces permitted restriping for an additional 6 parking spaces for cars, for a total of 53 parking spaces.

7. Lot A is a 15-space parking lot for the University faculty, staff and students, located at: 2006 G Street, N.W. (Square 103, Lot 819); 2010 G Street, N.W. (Square 103, Lot 812); 2022 G Street, N.W. (Square 103, Lot 813); 2030 G Street, N.W. (Square 103, Lot 13); and 2007 G Street, N.W. (Square 103, Lot 817). The parking spaces are situated in the block bounded by F, G, 20<sup>th</sup> and 21<sup>st</sup> Streets, N.W. The area is zoned R-5-D. Lot 819 (2006 G Street, N.W.) will continue to be used for storage of University physical plant vehicles and equipment. Lot A has decreased its number of available parking spaces from 164 to 159. This decrease is due to reconfiguration.

8. According to the BZA's approval of the University's Campus Plan in Order No. 14455, the University must provide between 2,700 and 3,000 parking spaces. The traffic expert's report indicates that the University currently provides a total of 2,778 parking spaces in all its parking facilities.

9. The nature and scope of the University's activities are not the typical 9:00 a.m. to 5:00 p.m., five days a week operation. Much of the employment is of a shift nature geared to an academic schedule. Students attend classes throughout the day and evening. Schedules change frequently limiting the ability to use public transportation or car pools. Many of the work shifts begin or end after public subway transportation is operating.

10. The traffic expert's report and testimony stated that the subject parking lots do not create any objectionable safety or traffic operational problems. For each lot: driveway widths are within acceptable limits; driveways are located more than 40 feet from an intersection; no obstructions impede sight distance such that there is a clear sight distance

for entering and exiting vehicles; entrances are located so that they do not interfere with the normal flow of traffic; entrances are designed so that pedestrians realize that they are crossing a driveway; and there is adequate pedestrian refuge between two driveways.

11. The applicant testified that the University has met its obligation to manage, maintain and use the subject parking lots at or above the standards set by the Board and that the requirements of previous BZA approvals have been complied with completely.

12. The applicant testified that pursuant to Condition No. 5 of BZA Order No. 14725, the University is required to turn off the lights at 9:30 p.m. each night for the northern half of lots 11 and 13. These lots are in use on a twenty-four hour basis by hospital physicians and staff. People coming to and from the hospital and the Metro also pass by these lots. Additionally, the applicant stated that the hospital is located directly across 23<sup>rd</sup> Street, N.W. and the lots are situated on the edge of a major circle. The applicant testified that, given the round-the-clock care provided by the hospital, the lights should remain on throughout the night in order to maintain a safe and secure environment and that a failure to do so could jeopardize the hospital staff and would be inconsistent with a hospital environment. In addition, the applicant explained that if any hospital physician or staff member were injured because of the absence of adequate lighting, the University could face significant liability. The applicant further stated that the lights are focused on the surface parking lots, as required by Section 2303.1 (e) of the Zoning Regulations.

13. By memorandum letter dated February 24, 1997 [sic], the Department of Public Works indicated that it had no objections to the University continuing its present use of the parking lots.

14. By resolution dated February 20, 1998, Advisory Neighborhood Commission (ANC) 2A noted its support for the application subject to the University submitting to the Board a detailed report on traffic generated by University activities in the street grid of the main campus and surrounding area, including the impact of the new campus area at the former Mount Vernon College. The ANC 2A's resolution indicated that this report should show a detailed plan of all parking arrangements currently existing, outlining the requirements of students, faculty and staff, and any plans for additions and eliminations of parking spaces under approved developments and proposed developments. Additionally, ANC 2A requested that if the application is approved by the Board, that approval be limited to a one year extension.

15. The testimony of Mrs. Dorothy Miller, as representative of the Columbia Plaza Tenants Association, requested that the University be required to submit a traffic report similar to that requested by the ANC 2A before application 16309 be approved.

16. The applicant's testimony indicated that it cannot explain why the approval of the continued use of the subject parking lots is treated separately from all other campus parking lots for which approval is folded into the campus plan. By bringing the approval of the subject parking lots into the campus plan, the detailed traffic report requested by

the ANC 2A will be submitted by the applicant in the near future, when the entire campus plan is being considered for reapproval.

17. In response to concerns raised about an increase in traffic due to the new Mount Vernon campus, the applicant testified that The George Washington University at Mount Vernon has its own facilities, parking facilities and campus plan, all separate from the Foggy Bottom campus.

**FINDINGS OF FACT:**

Based on the evidence of record, the Board finds as follows:

1. The continued use of the subject parking lots is integral to the operation of the University in accordance with its approved campus plan. The spaces included in the subject application are necessary to meet the minimum number required.
2. The subject parking lots have not been and are not likely to become objectionable to neighboring property because of noise or traffic.
3. The subject parking lots will not result in any increase in the number of students, faculty or staff.
4. The total number of spaces in the subject lot has decreased slightly due to some internal reconfiguration of the spaces. The Board will specify in this order the number of spaces to be continued.
5. The subject parking lots comply with the use and maintenance conditions of the previous order of the Board.
6. The subject parking lots are in harmony with the general purpose and intent of the Zoning Regulations and Maps and do not affect adversely the use of neighboring property.
7. Providing lighting twenty-four hours a day for the northern half of lots 11 and 13 will not affect adversely the use of neighboring property and will have the positive impact of increasing the safety of the surrounding area. Additionally, lighting used to illuminate the parking lot shall be in full compliance with Section 2303.1(e).
8. The continued use of the subject parking lots should be considered as part of the University's campus plan, like all other campus parking lots. It is inefficient and potentially less effective to require the University to apply separately for the Board's permission to continue the existing use of the subject parking lots, rather than examining all University parking in its entirety at one time. Additionally, by the time of expiration of the campus plan on December 31, 2000, the University will have submitted a detailed

traffic report addressing many, if not all, of the concerns expressed by the ANC 2A as they relate to the entire campus.

**CONCLUSIONS OF LAW AND OPINION:**

Based on the findings of fact and evidence of record, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108. The application meets all of the applicable standards of Section 210, and the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The Board takes note of the position of Advisory Neighborhood Commission 2A, and in its decision the Board has accorded to the ANC the “great weight” consideration to which it is entitled. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The authority to continue the operation of the above-referenced parking lots shall be folded into The George Washington University campus plan, and shall no longer require approval from the BZA separate from the University’s campus plan. The authority to operate the subject lots shall terminate concurrently with the expiration date of the current campus plan, December 31, 2000.
2. Condition No. 5 in BZA Order No. 14725, which required all lights on the northern end of lots 11 and 13 to be turned off at 9:30 p.m, is specifically VACATED. Lots 11 and 13 shall be illuminated during all hours of darkness. All lighting used to illuminate parking lots 11 and 13 shall be flood lights with glass globes designed to diffuse the light and reduce the glare and shall be focused on the surface of the lot.
3. Condition No. 8 in BZA Order 14725, which required that portion of parking lot 9 known as 2034 H Street, N.W., to be limited to use by motorcycles, motor scooters and bicycles, is specifically VACATED.
4. Lot 3 shall have 59 parking spaces. Lot 9 shall have 53 parking spaces. Lot 11 shall have 195 parking spaces. Lot 13 shall have 70 parking spaces. Lot 17 shall have 9 parking spaces. Lot A shall have 159 parking spaces. Lot D shall have 109 parking spaces. These caps shall be strictly adhered to.
5. Landscaping on parking lots 11 and 13 shall be maintained as approved in BZA Order No. 13739.
6. All parked vehicles on parking lots 11 and 13 must be capable of fitting into a 9-foot by 19-foot parking space.

7. Maintenance and service vehicles up to 1.5 tons in weight and recreational vehicles of students, faculty and staff, provided they are no larger than the 9-foot by 19-foot dimension, may be permitted to park on parking lots A, D and 17.
8. Parking lots A and 17 shall be restricted to parking for students, faculty and staff of the University.
9. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
10. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
11. All parts of the lots shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping on all of the lots shall be maintained in a healthy growing condition and in a neat and orderly appearance.
12. 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.
13. 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: 3-0** (Sheila Cross Reid, Betty King, and Susan Morgan Hinton to grant.)

**EXCEPTIONS PROCESS:**

**This order was served as a proposed order pursuant to the provisions of D.C. Code Section 1-1509(d). The proposed order was sent to all parties on October 13, 1998. The filing deadline for exceptions and arguments was Tuesday, November 17, 1998. The record was sent to Mr. Jerry Gilreath for his review and comment. The Board received two items of correspondence by the filing deadline. One item was from The George Washington University that indicated that the University had no objection to the order as written. The other item was from Mrs. Dorothy Miller who objected to the order. Mrs. Dorothy Miller opined that among the various lots approved in the application, several of them had been identified by the University for other purposes in the future.**

**The Board, at its public meeting on December 2, 1998, denied Mrs. Miller's request for oral argument and approved the order as written.**

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

ATTESTED BY:   
JERRILY R. KRESS, FAIA  
Director

FINAL DATE OF ORDER: JUL 14 1999

PURSUANT TO D.C. CODE § 1-2531 (1987), SECTION 267 of D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 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 TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT, HOME OCCUPATION PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GWU/JKN

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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**BZA APPLICATION NO. 16309**

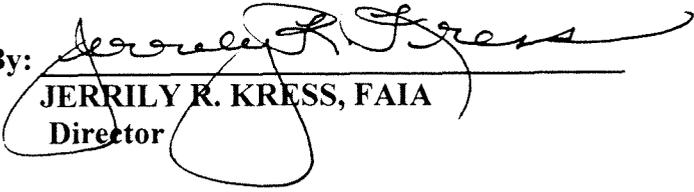
As Director of the Board of Zoning Adjustment, I certify and attest that on  
JUL 14 1999 a copy of the decision entered on that date in this matter was  
mailed first class, postage prepaid to each party in this case, and who is listed below:

Charles K. Barber, Esquire  
The George Washington University  
2100 Pennsylvania Avenue, N.W., Suite 525  
Washington, D.C. 20052

Mrs. Dorothy Miller  
2440 Virginia Avenue, N.W.  
Washington, D.C. 20037

The Chairperson  
Advisory Neighborhood Commission 2A  
C/o St. Mary's Court  
725 24<sup>th</sup> Street, N.W.  
Washington, D.C. 20037

Attested By:

  
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**JERRILY R. KRESS, FAIA**  
**Director**

Attest/JKN