

BZA Case Order 18599
Application Number 16298
Trinity AME Zion Church

September 30, 2013

The District of Columbia Board of Zoning Adjustment
441-4th Street, NW, Suite 210S
Washington, DC 20001

To the Chair and Members of the Board:

Thank you for granting me this opportunity to testify before the District of Columbia's Board of Zoning Adjustment.

Today, I will provide you with testimony regarding BZA Case Number 18599, the application of Trinity AME Zion Church ("the Church"), for a special exception to allow continued use of parking lots, originally approved under BZA Order Number 16298 in the R-5-B District at 1417, 1493 and 1507 Meridian Place, NW (Square 2684, Lots 556, 557 and 558.)

My name is Sherrill Berger, I am testifying in my personal capacity, as owner of 3510 Center Street, NW the building that abuts the property on which the Trinity AME Zion Church is located. Furthermore, I am one of several residents living at Center and Meridian Streets, NW that questioned the application of the Church for its request for variances and a special exemption to use the land for parking in 1998.

When the BZA approved the special exemptions requested by the Church 15 years ago, a number of requirements were stipulated; the purchase of this property from DC by the Church and its permission to use the space for parking was conditional upon the Church's fulfilling these requirements.

However to this day, the Church has not complied with many of these conditions.

The question today, it seems to me, should be whether the BZA should grant another 15-year special exemption, when the Church has been unable to comply with the requirements in the original order in the past 15 years.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18599
EXHIBIT NO. 29

RECEIVED
D.C. OFFICE OF ZONING
2013 OCT -3 PM 2:57

BZA Case Order 18599
Application Number 16298
Trinity AME Zion Church

As I testified years ago, the residents of Center and Meridian Streets, NW do not wish to deprive the church of their valuable property. What we do want is for the church to comply with the stipulations as ordered by the BZA. (These 17 conditions are listed in the application for Case Number 16298, along with my 1998 testimony as a PDF attachment to this testimony.)

Nevertheless, the BZA has heard that its decision pertaining to the renewal application should be based on other issues, for example:

- whether residents on other streets, in other parts of the neighborhood should be permitted to park in these spaces;
- whether the Church is capable of or willing to spend the money necessary to fulfill the requirements of the original order;
- whether neighborhood volunteers should assume the church's responsibilities for meeting the conditions of the special exception;
- whether the neighbors then or now have an incorporated or unincorporated association;
- whether the Church's provision of parking space alone is such a benefit (free neighborhood parking) that it absolves them of all other responsibility to comply with the conditions stipulated in the aforementioned order.

The neighbors have demonstrated their willingness to cooperate with the church. Several years ago, a neighbor developed a detailed vehicle registry and voluntarily managed parking on the lots outside of worship hours for six months. The Church declined to work with the neighbors to continue this program. At times, neighbors voluntarily clean the lots; the Church did not participate in these efforts.

It is evident that this space is not managed or professionally maintained by the Church. After all our past, and recent meetings with the Church's pastor, board members, and congregants, the Church has not shared with us any plan that demonstrates what they plan to do differently to comply with the BZA's original 17 conditions.

BZA Case Order 18599
Application Number 16298
Trinity AME Zion Church

As a result, the lots have become a dangerous nuisance to the community:

- a dumping ground for old furniture and home renovation debris;
- a jungle of untended weeds and grass full of trash;
- an illegal vehicle repair shop;
- a place to dump stolen cars;
- a place where non-DC residents and commuters and shoppers from the 14th Street, NW commercial district can park without penalty;
- a magnet for dysfunctional behaviors: public drinking, drug sales and use, and prostitution, resulting in a place where violent crimes occur.

For example, in May of this year, a brutal rape and abduction occurred here. On the 15th of this month at 1:00 a.m., a stabbing and attempted murder took place.

Rather than renewing the special exemption for another fifteen years -- or seven years, as ANC 1A report recommends -- I suggest the BZA enforcement team inspect the property right away and document the extent to which the 17 conditions are fulfilled. Using that inspection report as a baseline, the BZA should give the Church not more than **two years** to comply with all of the conditions in the original permit, and as required by DC regulation codes established for parking lots located in R-5 districts.

Sincerely,


Sherrill Berger
sberger4@ix.netcom.com

Attachments:

- ANC 1A Report to BZA, 1998
- ANC 1A Report Form 129
- ANC 1A Resolution, 2013
- BZA Staff Report, Case Number 16298, 03/18/98
- Design Proposal Estimate: Trinity AME Zion Church parking lot 04/14/94
- 1998 BZA Order 18599 and 16298
- Trinity AME Zion Church special exception: Chronology of Events

BZA Case Order 18599
Application Number 16298
Trinity AME Zion Church

NB: I can provide the BZA with photographs documenting the condition and appearance of the property in question, along with an example of the tag numbers by state of the cars found in this lot on a typical day.



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	18599	Case Name:	Trinity AME Zion Church
Address or Square/Lot(s) of Property:	Square 2684 Lots 556, 557 and 558		
Relief Requested:	Special Exception to Allow Parking Lot in the R-5-B District		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	0	7	/	1	0	/	1	3	Was proper notice given?:	Yes	☒	No	☐
-----------------------------	---	---	---	---	---	---	---	---	---------------------------	-----	-------------------------------------	----	--------------------------

Description of how notice was given: ANC website, community listserves, flyers passed out to affected residents, and surrounding area.

Community meetings held on June 18, 2013 and July 1, 2013 and then another meeting on July 20, 2013.

Number of members that constitutes a quorum:		Number of members present at the meeting:	12
--	--	---	----

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (a separate sheet of paper may be used):

The failure of the church to comply with the 1998 BZA Order No. 16298, especially the fact that the church does not have a current parking system in place. The parking lot is primarily being used by drivers with out of state tags. The parking lot has essentially become a commuter parking lot. The parking lot is supposed to be for the residents on Center Street and Meridian Place, but that does not seem to be the case. Additionally, with the 1998 BZA order there was nothing in place to force the church to comply with the other conditions of the 1998 BZA order.

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (a separate sheet of paper may be used):

The ANC passed a resolution in support of the church's request, but not for 15 years and only for 7 years. The shorter time will give the community the opportunity to see if the church is in compliance. The ANC would like for the church to comply with the previous conditions listed in the 1998 BZA order, plus 10 other conditions listed on page three of the attached resolution. It is imperative that the church come of with a parking system, i.e. parking passes for the members of the community and the church members. The church will have to monitor the parking lot to make sure that anyone parking in the lots has a pass. The church really needs to pave the lot that is not paved and line both parking lots. This will cut down on the cars parking any way and blocking in other cars. Finally, there has to be some enforcement mechanism in place to monitor the church's compliance and ensure that they will do whatever they promise to do.

AUTHORIZATION

ANC	1	A	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	7-5-0
Name of the person authorized by the ANC to present the report:			Vickey A. Wright-Smith	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Kent Boese	
Signature of Chairperson/ Vice-Chairperson:			Date:	9/27/13

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Lisa Kralovic
SMD 1A04 – Laina Aquiline
SMD 1A07 – Thomas Boisvert
SMD 1A10 – Anthony Cimino

SMD 1A02 – Vicky Wright-Smith
SMD 1A05 – Kevin Holmes
SMD 1A08 – Kent Boese
SMD 1A11 – Dottie Love Wade

SMD 1A03 – Steve Swank
SMD 1A06 – Patrick W. Flynn
SMD 1A09 – Bobby Holmes
SMD 1A12 – Rosalind M. Gilliam

Resolution in Support of Trinity AME Zion's Church's Request for Special Exception to Allow a Parking Lot but with Certain Conditions

Whereas, the Applicant, Trinity AME Zion Church (hereinafter "Church"), has filed an application with the Board of Zoning Adjustment, (hereinafter "The BZA") pursuant to 11 DCMR Section 3104.1 seeking a special exception to allow a parking lot (last approved under BZA Order No. 16298) under section 213, in the R-5-B District at premises 1417, 1493 and 1507 Meridian Place, NW (Square 2684, Lots 556, 557 and 558). The BZA Application is case No. 18599.

Whereas, the Church acquired the property on or around March 11, 1996, and the intended use of the property was to be the construction of a parking lot containing 46 spaces. In 1996 and as far back as 1993, the surrounding residential neighborhood was considered densely populated and in need of parking facilities. Areas residents at that time wanted additional parking. The Church applied for a special exception to operate a parking lot for the church and the community which was granted in 1998.

The 1998 BZA Order No. 16298 had the following conditions:

- 1 The Approval was for **FIFTEEN YEARS** (Expired on May 6, 2013)
- 2 No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood shall not be affected adversely
3. The parking lots shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in over spill parking on neighborhood streets.
4. A majority of the parking spaces shall serve residential uses or short-term parking needs of retail. service and public facility uses in the vicinity.
5. All areas devoted to driveways, access lanes and parking areas shall be paved and maintained with bituminous concrete or brick materials, or a combination of these materials. which forms an all-weather impervious surface, and which is a minimum of four inches (4 in.) in thickness.
6. The parking lots shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.
7. 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 the.

use or structure is otherwise permitted in the district in which the parking lots are located.

8. No vehicular entrance or exit shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb lines extended.

9. Any lighting used to illuminate the accessory parking spaces shall be arranged so that all direct rays are confined to the surface of the parking lots.

10. The parking lots shall be kept free of refuse and debris.

11. The parking lots shall be landscaped with trees and shrubs covering a minimum of five percent (5%) of the total area of the parking lots. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

12. All parts of the lots not devoted to parking areas, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved and landscaped.

13. The lots shall be screened from all contiguous residential property by a solid brick or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high or by evergreen hedges and/or evergreen growing trees which are thickly planted and maintained and are at least forty-two inches (42 in.) in height when planted.

14. The dimensions of the parking spaces shall be a minimum of nine feet (9 ft.) in width and nineteen feet (19 ft.) in length.

15. On a temporary but experimental basis. Trinity AME Zion Church shall post signs on Lot 557 permitting unattended public parking between the hours of 10: 00 p.m. and 6:00 a.m. seven (7) days per week. There shall also be signs requesting the community's cooperation in maintaining the lot free of debris. etc.

16. A prominently displayed community bulletin board shall be installed in the vicinity of Lots 556, 557. and 558 that would announce activities sponsored by the church and the community as well as stipulations regarding use of the lots.

17. Trinity AME Zion Church shall provide designated parking to members in the community on a regular basis between the hours of 10:00 p.m. and 6:00 a.m. Security gates shall be installed and members of the church and the community shall be issued access cards.

18. On "bad" weather days (particularly in the event of snow); the community members shall be allowed parking on the lots at any time or day of the week.

Whereas, the parking situation in the area has gotten worse with the addition of The Allegro Apartments which has about 297 units located right behind the homes in the 1400 block of Meridian Place (from 1402 Meridian Place to 1434 Meridian Place). The residents in this area are still in need of additional parking.

Whereas, The ANC Commissioner for ANC1A02 held community meetings on June 18, 2013 and July 1, 2013 and received written communications from community members and spoke directly with community members regarding the Church's request to renew its special exception to continue to operate the parking lot for the church and the community. While some in the community are very grateful for the parking that the church provides, some concerns have been raised by the some other members of the community.

Whereas in order to address those community concerns ANC1A, in addition to the above listed conditions from BZA Order No. 16298 (except for the FIFTEEN YEAR TIME PERIOD), would like to see the following conditions implemented as well:

- 1** Approval shall be for a period of **SEVEN YEARS**.
- 2** Given the periodic and sometimes crime problems in the lot and the areas surrounding the lot and the neighborhood in general, the church should contact the District of Columbia Government and have a light study done to see if non-intrusive lighting is appropriate and/or necessary for the parking lot. The church should also look installing surveillance cameras. It is not clear if these measures would deter crime, but it might be helpful. The church should stay in contact with the Metropolitan Police Department to ask them to patrol the area more frequently when unfortunate crimes occur in and around the parking lot.
- 3** The Church needs to take immediate measures to ensure that parking is available for residents of the neighborhood and/or their guest and not for commuters or for those who do not live in the neighborhood. The neighborhood is defined as residents of the block of Center St. between Oak and Meridian Place, and those who live on the 1400 to 1500 block of Meridian Place.
- 4** Resident vehicles parked on the Church's lots during hours of worship and activity days should be forewarned.
- 5** The church should come up with a system wherein they issue parking passes for the church members and the members of the community who live on Center St. between Oak and Meridian Place, and those who live on the 1400 to 1500 block of Meridian Place.
- 6** The church should monitor the parking lot and contact the Metropolitan Police Department to issue tickets to cars parked without the parking pass and then contract with a local tow company to have cars towed.
- 7** The Church needs to take immediate measures to prevent cars from parking in the middle of the lot, which borders Center St. The cars parked in the middle of the lot, prevent other cars from exiting the lot. The Church could arrange to tow these cars or to line the lot so that it is clear where people should park. Lining the lot would require the lot to be paved
- 8** Every effort should be made to make sure that no vehicles park on the grassy lot on Meridian Place, unless the church is using the lot for over flow parking.

- 9 The Church will maintain regular trash/garbage removal service, a minimum of 2 times per week. The Church should provide trash cans that have lids on them.
- 10 The Church or the BZA should come up with some enforcement mechanism to make sure that the conditions from the 1998 BZA Order No. 16298 and these proposed conditions for BZA Case No. 18599 are adhered to. Perhaps an Advisory board/committee, which would include members of the community and the church.

Whereas, The Church and ANC 1A have been in negotiations to try and finalize a Settlement Agreement which would have included these conditions but have not yet, to date, successfully negotiated and executed a Settlement Agreement,

Whereas, there has been some discussion about the church seeking a continuance of the July 30, 2013 hearing before the BZA, but nothing has been finalized. ANC1A does not want to miss out on its opportunity to weigh in on this very important matter as the Church is providing a much needed service to our community.

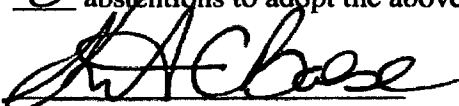
Be It Resolved That:

1. Notice be sent to the BZA that ANC 1A hereby supports Trinity AME Zion Church's request for special exception to allow a parking lot, but with certain conditions.

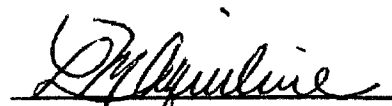
#####

Certification:

At a regularly scheduled and publicly noticed meeting held on July 10, 2013, Advisory Neighborhood Commission 1A considered the above resolution. With a quorum of 12 Commissioners present, the Commission voted with 7 yeas, 5 nos, and 0 abstentions to adopt the above resolution.



Kent Boese
Chairman, ANC 1A



Laina Aquilino
Vice chair

Advisory Neighborhood Commission 1A
1380 Monroe Street, NW #103
Washington, DC 20010



Columbia Heights

Advisory Neighborhood Commission 1A

3511 14th Street, N.W. * Washington, D.C. * 20010 * (202)232-0175 * Fax (202) 387-5136

March 11, 1998

TO:

Madeleine M Dobbins
District of Columbia
Board of Zoning Adjustment
441- 4th St NW Suite 210
Washington, DC 20001

Robert W. Tucker
Chairman

Perry L. Johnson
Vice-Chairman

Elizabeth B McIntire
Secretary

Anna Bowman
Treasurer

RE: Application # 16298
Trinity Housing Corp.
1417, 1493, 1507 Meridian St NW

REPORT OF ANC 1A ON BZA APPLICATION # 16298

A public meeting of ANC 1A was held on February 24, 1998 at St Stephen and the Incarnation Church to consider the above application. A quorum (5 commissioners of 9 seated, 1 vacant) was present. Members of the community and Mr Athel Liggins, Mrs Edith Henderson, Rev. Lamb, and Trinity Housing Corp. attorney were present. ANC 1A also met at an Emergency meeting to consider the BZA application, held at the ANC office on March 9, 1998, at which 7 commissioners were present. Proper notice of these meetings was given.

From comments, and the record of proceedings and plans provided by Trinity Housing Corp., the following facts emerged:

1. Trinity Housing Corp. is obligated to provide free parking to community residents by the "First Parking Agreement between Concerned Citizen of Parcel 20 and Trinity AME Zion Church" dated October 8, 1993 (referred to hereafter as the "Parking Agreement") which is part of the land transfer agreement for the sale of RLA Parcel 20 dated March, 1996. Copy of this Parking Agreement is attached.
2. Some community residents - visitors - and out of area commuters have been using the unimproved parking lots for some time.
3. There has been no formal communication between Trinity Housing Corp. and the community regarding use of the lots, as stipulated in the Parking Agreement. There is no sign or Community Bulletin Board on the lots. There has been no communication between Trinity Housing Corp. and ANC 1A between October 1993 and January 1998.
4. The location of parking lots in a residential zone is not supported by the Land Use elements in the Comprehensive Plan of the District of Columbia.
5. The purchase price for the six residential lots making up the parking lots was \$122,000.00.

Perry L. Johnson
1A - 01

Robert W. Tucker
1A - 02

Elizabeth B. McIntire
1A - 03

Mack A. James
1A - 04

Gerard Bauer
1A - 05

Vacant
1A - 06

Reginald Maulsby
1A - 07

Anna Bowman
1A - 08

Marie Whitfield
1A - 09

Julio Perez
1A - 10

BZA

CASE No. 16298

EXHIBIT No. 40

MAR 18 1998

6. Should Trinity Housing Corp. intend to change the use of the land , it is permitted to do so , with proper permits and on payment of a surcharge of 21% to RLA .
7. Trinity Housing Corp. did not revise its charter to include "Parking and other community amenities" until July 1997, although the land was purchased exclusively for that purpose in March 1996.
8. The current plan for the parking lots has 3 separate entrances/exits on Meridian St. , effectively eliminating at least 4 street parking spaces otherwise available for community parking
9. The current plan does not offer a significant green buffer on the Center St frontage.
10. The current plan does not seem to show any security lights , security gates, or Community Bulletin Board on the site.

ANC 1A is concerned that the rights for free community parking on the Trinity Housing Corp. Parking lots be implemented and preserved. Although a reaffirmation in writing of the "Parking Agreement" as requested at the February 24th meeting has not to date been received, ANC 1A voted on March 9 , (5 yes , 2 no) to support the requested variance to change from residential zoning to parking lots , with the following conditions:

1. That the October 1993 "Parking Agreement" be implemented in full ;
2. That security lights , security gates with passes for community residents, and the Church/Community Bulletin Board be installed ;
3. That there be no discrimination in community use of the lots - all bonafide residents of Center St and the 1400-1500 blocks of Meridian St NW are entitled to access on proof of residency ;
4. That further discussion regarding the implementation of the Parking Agreement is necessary ;
5. That ANC 1A reserves the right to notify RLA that Trinity Housing Corp. is not in compliance with the "Parking Agreement" should the planned improvements and the full agreement not be implemented.

Chairman Robert L Tucker is authorized by the ANC to present this report.

Signed,



Robert L Tucker
Chairman , ANC 1A
SMD 1A02



Columbia Heights

Advisory Neighborhood Commission 1A

3511 14th Street, N.W. • Washington, D.C. 20010 • (202) 232-0175

October 8, 1993

1A01
Pauline Accra

1A02
Vivian E. Brown

1A03
Elizabeth McIntire

1A04
Mack A. James

1A05
Joan Mayer Gillson

1A06
Shelore C. Williams

1A07
Beverley R. Wheeler

1A08
Anna Bowman

1A09
Marie Whitfield

1A10
Lenwood Johnson

Dr. Othel Q. Liggins
Member of the Board
Trinity AME Zion Housing Corporation
3505 16th Street, N. W.
Washington, D. C. 20010

Dear Dr. Liggins:

The following statement should be considered as the first
PARKING AGREEMENT BETWEEN CONCERNED CITIZEN OF PARCEL
20 AND TRINITY AME ZION CHURCH:

On Thursday, September 17, 1993, members (Vivian Brown, Sherrill Berger, George Kosovic) of Concerned Citizens for the Development of Parcel 20, ANC 1A02 Neighborhood Commissioner, and members of the Trinity AME Zion Church met to discuss Trinity's proposal to acquire "access rights" to Parcel 20 and to ask for community participation in their attempt to expand their parking facilities. Both groups voiced their positions.

Trinity AME Zion Church's Pastor Brown said the church needed the communities participation in order to obtain "access rights" to Parcel 20 from the Redevelopment Land Development Agency. The community advocates stressed their interest in allowing access to parking on lots 2, 3, and 4, but to delay access to parking on lot 1 until an impact study could be done to evaluate the traffic, emergency vehicle and pedestrian patterns at Center and Meridien Place, N. W..

Nevertheless, the Redevelopment Land Agency's request for community involvement called for a decision to develop all of Parcel 20; not parts of it as the community had advocated. The Redevelopment Land Agency and Trinity AME Zion Church had already designated the parcel as a parking site and the question was not what the lots should be but how they would be used as parking facilities for the church and the community.

At the conclusion of the three-hour meeting both the Concerned Citizens for the Development of Parcel 20 and Trinity AME Zion Methodist church agreed to the following interim measures:

Exhibit E

AREA COMMUNITY ORGANIZATIONS

RE: Plot 20 Development

Ms. Gracie Rolling, Director
CHANGE, Inc.
1413 Park Road, N.W.
Washington, D.C. 20009
(202) 232-8634

Mr. Leroy Hubbard
Neighborhood Reinvestment Alliance
2401 15th Street, N.W.
Washington, D.C. 20009
(202) 667-8883

Ms. Mary Treadwell, Chairwoman
Advisory Neighborhood Commission 1-B
519 Florida Avenue, N.W.
Washington, D.C. 20001
(202) 234-6830

CHANGE-All Souls Housing Corporation
Columbia Heights Village
2900 14th Street, N.W.
Washington, D.C. 20009
(202) 234-9459

Ms. Gayle Bradley, Chairwoman
Board of Directors
Development Corporation of Columbia Heights
3419 14th Street, N.W.
Washington, D.C. 20010
(202) 483-4986

Ms. Gail Oliver, President
Columbia Heights Association of
Merchants and Professionals
3419 14th Street, N.W.
Washington, D.C. 20010
(202) 462-3663

Ms. Anne Bennett, Coordinator
Girard Street Association
1237 Girard Street, N.W.
Washington, D.C. 20009
(202) 667-5868

Mr. Stanley Mayes
14th & U Streets Coalition
1419 V Street, N.W.
Washington, D.C. 20009
(202) 328-1368

**STATEMENT OF MARION F. BROOKS,
AT A PUBLIC HEARING
BEFORE THE DISTRICT OF COLUMBIA**

BOARD OF ZONING ADJUSTMENT

HELD ON FEBRUARY 18, 1998

AT 441 4TH STREET, N.W.

SUITE 220 SECOND FLOOR HEARING ROOM

WASHINGTON, D.C. 20001

IN SUPPORT OF APPLICATION #16298

SUBMITTED BY TRINITY HOUSING CORPORATION

OF WASHINGTON FOR A SPECIAL EXCEPTION

UNDER 11 DCMR 213.1

AND VARIANCE FROM 11 DCMR 213.2

AND 213.3 PURSUANT TO 11 DCMR 3108.1

AND 3107.2

BZA

CASE No. 16298
EXHIBIT No. 42

MAR 18 1998

GOOD AFTERNOON, MADAM CHAIR, MEMBERS OF THE BOARD, LADIES AND GENTLEMEN. I AM MARION BROOKS, REAL PROPERTY DISPOSITION COORDINATOR AND PROJECT MANAGER WITH THE DISTRICT OF COLUMBIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD). THE DEPARTMENT PROVIDES STAFF FOR THE DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY (RLA). ON BEHALF OF THE DHCD AND THE RLA, I HAVE BEEN EXTENSIVELY INVOLVED WITH THE DEVELOPMENT AND SALE OF SQUARE 2684, LOTS 556, 557 AND 558, ALSO KNOWN AT DHCD AS PARCEL 20.

I WOULD LIKE TO GIVE A BRIEF HISTORY OF PARCEL 20 AND EXPLAIN THE ROLE OF DHCD AND THE RLA IN THE DEVELOPMENT OF THE SITE. ON MARCH 11, 1996, RLA, WHICH OWNED PARCEL 20, TRANSFERRED THE SITE TO TRINITY HOUSING CORPORATION OF WASHINGTON PURSUANT TO A SALES CONTRACT AND A SPECIAL WARRANTY DEED. PRIOR TO ITS OWNERSHIP BY RLA, THE SITE HAD BEEN OCCUPIED BY HOUSES AND APARTMENT BUILDINGS, BUT FOR AT LEAST 15 YEARS THE PROPERTY HAD BEEN VACANT AND UNDEVELOPED.

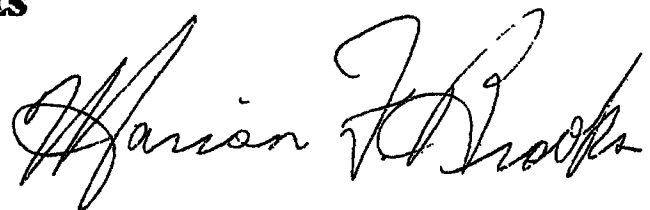
THE MIDDLE LOT, 557, WAS AND IS ASPHALT-PAVED. DURING RLA'S OWNERSHIP TENURE, LOT 557 AND LOT 558, WHICH REMAINED AN UNDEVELOPED GRASSY AREA, WERE INFORMALLY USED FOR PARKING BY TRINITY AME ZION CHURCH UNDER A SUBSEQUENT RIGHT OF ENTRY.

ORIGINALLY, RLA, IN RESPONSE TO AN UNSOLICITED PROPOSAL FROM THE CHURCH, PLANNED TO SELL PARCEL 20 TO TRINITY HOUSING CORPORATION OF WASHINGTON, A NONPROFIT CORPORATION SPONSORED AND ESTABLISHED BY THE CHURCH, IN ORDER FOR THE CORPORATION TO DEVELOP THE PROPERTY, ALONG WITH PRIVATELY-OWNED, CONTIGUOUS PARCELS, INTO HOUSING FOR THE ELDERLY. UNFORTUNATELY, THE CORPORATION WAS UNABLE TO PURCHASE THE LAND FROM THE CONTIGUOUS LANDOWNERS AS PLANNED AND THE HOUSING COULD NOT BE DEVELOPED. RLA STAFF AND THE CORPORATION THEN CONSIDERED THE POSSIBILITY OF A TWO-PHASE DEVELOPMENT - PHASE I - A PARKING LOT, WHICH IN FIVE YEARS COULD BE CONVERTED INTO THREE-BEDROOM TOWNHOUSES - PHASE II.

HOWEVER, THE RLA, AT A MEETING OF ITS BOARD ON APRIL 15, 1993, DIRECTED ITS STAFF TO RECONSIDER THE RESIDENTIAL PORTION OF THE TWO-PHASE PLAN BECAUSE THE SITES ARE LOCATED IN A HIGH DENSITY RESIDENTIAL AREA WHERE PARKING IS A PREMIUM. THE STAFF FOLLOWED THE BOARD'S INSTRUCTIONS AND FOUND (1) THAT THERE WAS A CRITICAL NEED FOR RESIDENTIAL PARKING IN THE AREA COMPOUNDED BY THE NEED FOR PARKING BY TRINITY A.M.E. ZION CHURCH MEMBERS ON SUNDAY'S AND WEDNESDAY NIGHTS, (2) THAT THE CITY'S URBAN RENEWAL PLAN SUPPORTED THE USE OF THE SITES FOR ACCESSORY PARKING, AND (3) THAT THE SIZE OF THE PROPERTY, ITS CONFIGURATION AND ITS LACK OF READY ACCESSIBILITY MADE IT UNFEASIBLE FOR OTHER TYPES OF DEVELOPMENT. THE STAFF THEN RECOMMENDED THAT THE SITE BE DEVELOPED FOR ACCESSORY PARKING.

ON JUNE 17, 1993, THE RLA BOARD, BASED UP ON ITS STAFF'S RECOMMENDATIONS, APPROVED THE PLAN TO DEVELOP THE SITE INTO A PARKING LOT FOR THE CHURCH'S AND THE COMMUNITY'S USE. ON MARCH 11, 1996, RLA AND THE CORPORATION ENTERED INTO A SALES CONTRACT AND SPECIAL WARRANTY DEED, BOTH OF WHICH RESTRICT USE OF THE PROPERTY TO A PARKING LOT. ANY OTHER FUTURE USES MUST BE APPROVED BY RLA.

RLA AND DHCD EXPENDED A GREAT DEAL OF TIME AND ENERGY ANALYZING THE BEST USE OF PARCEL 20. WE DETERMINED THAT ADDITIONAL HOUSING WOULD BE DETRIMENTAL TO THE COMMUNITY BECAUSE IT WOULD ADD TO THE EXISTING CONGESTION. WE HAVE DETERMINED THAT THE ACCOMMODATION OF THE CHURCH'S AND THE SURROUNDING RESIDENTIAL COMMUNITY'S PARKING DEMANDS WOULD BE THE BEST USE OF PARCEL 20, UNDER THE CIRCUMSTANCES. THEREFORE, WE WHOLEHEARTEDLY SUPPORT THE EFFORTS OF THE CHURCH TO OBTAIN THE BOARD OF ZONING ADJUSTMENT'S APPROVAL OF ITS APPLICATION FOR THE SPECIAL EXCEPTIONS AND VARIANCES NECESSARY TO DEVELOP THIS PARCEL.

A handwritten signature in black ink, appearing to read "Harrison F. Brooks". The signature is written in a cursive, flowing style with a large initial 'H' and 'B'.

NAVY, MARSHALL & ASSOCIATES, P. C.
 ARCHITECTS • PLANNERS
 THIRTEEN HUNDRED L STREET, NW • SUITE 1000
 WASHINGTON, DC 20005 • TELEPHONE 202 842 - 0614

14 April 1994

The Honorable Marjorie M. Lawson
 1850 "M" Street, N.W., Suite 400
 Washington, D.C. 20036

Re: Proposed Parking Lots - Trinity AME Zion
 Preliminary Cost Estimate

LOT "A"

Paving:	90 SF	x 83 SF	=	7,470 SF	
	30 SF	x 13 SF	=	<u>390 SF</u>	
				7,860 SF	
		7860 x		\$ 2.99 PSF	= \$23,501.40
Landscaping:	49 Trees	x \$60.00		<u>\$ 2,940</u>	
					\$ 26,441.40

LOT "B"

Paving:	90 SF	x 60 SF	=	5,400 SF	
	30 SF	x 13 SF	=	<u>390 SF</u>	
				5,790 SF	
		5790 x		\$ 1.00 PSF	= \$ 5,790
Landscaping:	41 Trees	x \$60.00		<u>\$ 2,460</u>	
					\$ 8,250

LOT "C"

Paving:	60 SF	x 70 SF	=	4,200 SF	
	30 SF	x 13 SF	=	<u>390 SF</u>	
				4,590 SF	
		4590 x		\$ 1.75 PSF	= \$ 8,032.50
Landscaping:	38 Trees	x \$60.00		<u>\$ 2,280</u>	
					\$ 10,312.50
Two (2) storm water management systems @ \$29,000					<u>\$ 58,000</u>

SUB TOTAL	\$103,003.90
General Contractor's Overhead (10%)	
10% x \$103,003.90	= <u>\$ 10,300.39</u>
SUB TOTAL	\$113,304.29
General Contractor's Profit (9%)	
9% x \$113,304.29	= <u>\$ 10,197.39</u>

Total Construction Cost	\$123,501.68
A/E and Landscape Fees (estimated)	<u>\$ 24,000.00</u>

Total Development Cost	\$147,501.68
------------------------	--------------

Randall S. Marshall

Randall S. Marshall
 President

HAROLD S NAVY AIA

RANDALL S MARSHALL AIA



H. G. CURRY ASSOCIATES

REAL ESTATE APPRAISERS

9320 ANNAPOLIS ROAD, SUITE 301, LANHAM, MARYLAND 20706

TELEPHONE (301) 450-8201

May 28, 1991

Oak Street Apartments, Ltd.
c/o Ms. Marjorie M. Lawson
2101 L Street, Northwest
Suite 210
Washington, D.C. 20037

Re: 1456 Oak Street, N.W.
Square 2884, Lot 555
Washington, D.C.

Gentlepersons:

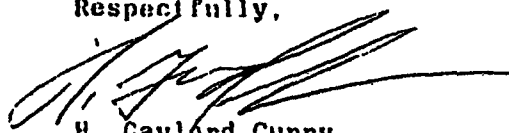
Pursuant to your request for an appraisal of the fair market value of the referenced site, subsequent to a proposed reconfiguration, I have inspected the site, reviewed the plats of proposed reconfiguration, analyzed pertinent market and economic data, and arrived at a value conclusion.

My report, accomplished in abbreviated format in the interest of time and expense, is transmitted herewith.

Based upon my findings, it is my opinion, that the fair market value of the site, as of May 23, 1991, is;

"As Is"	\$297,500.00
"As Proposed"	\$304,000.00

Respectfully,



H. Gaylord Curry
ASA, SRA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16298 of Trinity Housing Corporation of Washington, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Subsection 213.1 to establish parking lots in a residential district, a variance from Subsection 213.2 to establish a parking lot that is not located in its entirety within 200 feet of an existing commercial or industrial district in a residential district, and a variance from Subsection 213.3 to establish a parking lot that is not contiguous to or separated only by an alley from a commercial or industrial district in a residential district. for parking lots in the R-5-B District at premises 1417, 1493 and 1507 Meridian Place, N.W. (Square 2684; Lots 556, 557 and 558).

HEARING DATES: January 7, February 18 and March 18, 1998
DECISION DATES: April 1 and May 6, 1998

ORDER

SUMMARY OF EVIDENCE:

The subject premises are known as 1417, 1493 and 1507 Meridian Place, N.W. and are located in an R-5-B District. This area is also known as Parcel 20 in the records of the Department of Housing and Community Development (DHCD).

The subject sites are adjacent to each other and are located along the northern side of Meridian Place, N.W., beginning at Center Street and extending eastward along Meridian Place. They are one block away from the Trinity A.M.E. Zion Church.

Two of the three sites (lots 556 and 558) have been vacant and undeveloped for approximately 15 years, and the community and Trinity A. M. E. Zion Church currently use the third site (lot 557) as a parking lot. Lot 557, which is the middle lot, is paved with asphalt and the adjacent lots 556 and 558 are undeveloped grassy areas. The applicant proposes to establish parking lots for the use of the Trinity A. M. E. Zion Church and members of the immediate residential community. The District of Columbia 14th Street Urban Renewal Plan supports the use of the sites for accessory parking.

The church will have sole use of the lot on Sundays and some evenings as needed, but will provide designated parking to members of the community on a regular basis between the hours of 10:00 p.m. and 6:00 a.m.

Issues and Arguments

Section 213 – Parking

Section 213.1: Use as a parking lot shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in Section 3108 of Chapter 31 of this title, subject to the provisions of this section. These provisions are addressed below.

Section 213.2: A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial district.

The applicant testified that the subject parking lots are not located in their entirety within 200 feet of an existing Commercial or Industrial district. The applicant is therefore requesting a variance from the requirements of this subsection to allow the use of the lots for parking.

Section 213.3: A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial district.

The applicant testified that the lot is not contiguous to or separated by an alley from a Commercial or Industrial district in a residential district. They are therefore requesting a variance from the requirements of this subsection to allow the use of the lots for parking.

Section 213.4: All provisions of Chapter 23 of this title shall be complied with as indicated below.

The applicant testified that the proposed use and plans satisfy the requirements of Section 2303, as indicated below:

Section 2303.1(a) All areas devoted to driveways, access lanes, and parking areas are paved and maintained with concrete materials, which form an all-weather impervious surface six inches in depth.

(b) The lot is designed so that no vehicle or any part thereof projects over any lot line or building line.

(c) The lot will be used only for parking.

(d) No vehicular entrance or exit is within 40 feet of a street intersection.

(e) Lighting used to illuminate the parking lot is arranged so that all direct rays of such lighting are confined to the surface of the parking lot.

(f) The lot will be maintained by Trinity A.M.E. Zion Church and kept clean of refuse and debris.

Section 2303.2(a) The lot is screened from all contiguous residential property by a 2-foot, 6-inch high masonry wall, which is topped by a 42-inch high stockade fence.

(b) All parts of the lot not devoted to parking areas, driveways, access lanes, the attendant's shelter or the screening wall, shall be kept free of refuse and debris and shall be paved. The trees on the lot shall be maintained in a neat and orderly appearance.

Section 213.5: No dangerous or otherwise 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.

The applicant testified that dangerous or otherwise objectionable traffic conditions would not result from the operation of the subject parking lot. Access to the lot is through land controlled by the applicant and the proposed new entrance will minimize the risk of traffic conflicts upon entering and exiting the lot.

Section 213.6: The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in over spill parking on neighborhood streets.

The applicant testified that the present character and future development of the neighborhood would not be adversely affected by use of the site as a parking lot. Lot 557 has been used for informal parking for approximately the last ten years and it serves to help alleviate parking congestion on neighborhood streets. The applicant pointed out that the parking lot is reasonably necessary, convenient and accessible for use by residents in the neighborhood.

Section 213.7: A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.

The applicant testified that the existing and proposed parking spaces would be accessible to neighborhood residents at specific times as determined by the church's activities.

Section 213.8: Before taking final action on an application for use as a parking lot, the Board shall submit the application to the D.C. Department of Public Works (DPW) for review and report.

The Board referred the application to DPW. However, DPW did not file a report on the application.

ANC 1A voted to support the requested variance to change from residential zoning to parking lots, with the following conditions:

1. That the 1993 "Parking Agreement" be implemented in full;
2. That security lights, security gates with passes for community residents, and the Church/Community Bulletin Board be installed;
3. That there be no discrimination in community use of the lots. All bona-fide residents of Center Street and the 1400-1500 blocks of Meridian Street, N.W. are entitled to access on proof of residency;
4. That further discussion regarding the implementation of the Parking Agreement is necessary;
5. That ANC 1A reserves the right to notify RLA that Trinity Housing Corporation is not in compliance with the "Parking Agreement", should the planned improvements and the full agreement not be implemented.

A statement of support was submitted to the Board at the March 18, 1998, Public Hearing by Marion Brooks, Project Coordinator with the Department of Housing and Community Development (DHCD) and the Redevelopment Land Agency (RLA).

In a letter to the Board, dated January 6, 1998, Sherrill Berger of 3510 Center Street, N.W. opposed the application for the following reasons:

- A. There is a serious traffic and parking congestion on Oak, Center and Hertford Streets and Meridian Place, N.W. which is caused by non-resident parking in the area between 4:00 p.m. and midnight, Monday through Sunday.
- B. Unhealthy conditions are created by idling cars and church tour buses.
- C. Members of the Trinity A.M.E. Zion Church park on the sidewalk within inches of private buildings on Oak Street, making it difficult for through traffic and emergency vehicles to pass.
- D. Excessive noise is generated by the many cars that come to the church's activities.
- E. Cars owned by church members take up most of the existing spaces whenever the church has its activities.
- F. The Trinity Housing Corporation paved the lot at Center Street and Meridian Place with large loose rock gravel which neighborhood children use to damage cars, windows, buildings and other private property.
- G. For the last eight years, no effort has been made to beautify the perimeters of the parking lots.
- H. Residents who pay an annual fee for residential parking in the immediate neighborhood cannot park near their homes because members of the church use the eight existing spaces on Oak and Center Streets.

Section 3108 – Special Exceptions

The applicant testified that the application satisfies the requirements of Subsection 3108.1. The applicant stated that the parking lots will be well screened from nearby residential uses, and that the use of the lots should relieve parking congestion on nearby streets. The applicant maintains that the parking lots will be in harmony with the general purpose and intent of the Zoning Regulations and Map, and will not adversely affect the use of neighboring property.

Section 3107 - Variances

The applicant testified that the application satisfied the requirements of Subsection 3107.2. The applicant stated that the strict application of the regulations would result in peculiar and exceptional practical difficulties to the owner of the property. The applicant further stated that the condition exists because the site is separated into three disjointed lots located on the corner of two, two laned, one-way streets, thus placing the subject site in a difficult to reach location. The applicant maintains that the relief requested would provide needed parking for the community and the church and would not be detrimental to the public good nor impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

FINDINGS OF FACT:

- (1) The need for additional parking space is increasingly necessary as the church continues to grow in membership.
- (2) Use of the parking lot by neighboring residents is reasonably necessary and convenient.
- (3) Use of the subject parking lot for church and neighborhood parking could help to relieve over spill parking on neighborhood streets.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and evidence of record, the Board concludes that the applicant is seeking a special exception to establish a parking lot in an R-1-B District. The granting of such a special exception requires a showing through substantial evidence that the proposed use is 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. The applicant must also meet the requirements of Section 213 regulating parking lots.

The Board concludes that the applicant has met the burden of proof. The Board is of the opinion that granting the subject application is in harmony with the general purpose and intent of the Zoning Regulations and Map. Further, it is the view of the Board that to grant the application will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The Board concludes further that that

the applicant meets the requirements of Section 213 regulating parking lots.

The applicant is also seeking a variance from the requirements of Subsections 213.2 and 213.3. The granting of such a variance requires a showing through substantial evidence that there exists some unique or exceptional circumstance or condition related to the property which creates a practical difficulty for the owner in complying with the strict requirements of the Zoning Regulations. The applicant must also demonstrate that the variance relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the Zoning Regulations and Map.

The Board concludes that the applicant has met this burden of proof. The Board is of the opinion that that the property is unique because the site is comprised of three disjointed lots which are in a location which is difficult to reach, and that these conditions make it difficult for the owner to use the property in compliance with the Zoning Regulations. Finally, the Board is of the opinion that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board has afforded the ANC the "great weight" to which it is entitled.

In light of the foregoing, the Board **ORDERS** that the application be **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **FIFTEEN YEARS**.
2. No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood shall not be affected adversely.
3. The parking lots shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in over spill parking on neighborhood streets.
4. A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service and public facility uses in the vicinity.
5. All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with bituminous concrete or brick materials, or a combination of these materials, which forms an all-weather impervious surface, and which is a minimum of four inches (4 in.) in thickness.
6. The parking lots shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.
7. 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 the

use or structure is otherwise permitted in the district in which the parking lots are located.

8. No vehicular entrance or exit shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb lines extended.
9. Any lighting used to illuminate the accessory parking spaces shall be arranged so that all direct rays are confined to the surface of the parking lots.
10. The parking lots shall be kept free of refuse and debris.
11. The parking lots shall be landscaped with trees and shrubs covering a minimum of five percent (5%) of the total area of the parking lots. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
12. All parts of the lots not devoted to parking areas, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved and landscaped.
13. The lots shall be screened from all contiguous residential property by a solid brick or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high or by evergreen hedges and/or evergreen growing trees which are thickly planted and maintained and are at least forty-two inches (42 in.) in height when planted.
14. The dimensions of the parking spaces shall be a minimum of nine feet (9 ft.) in width and nineteen feet (19 ft.) in length.
15. On a temporary but experimental basis, Trinity AME Zion Church shall post signs on Lot 557 permitting unattended public parking between the hours of 10:00 p.m. and 6:00 a.m. seven (7) days per week. There shall also be signs requesting the community's cooperation in maintaining the lot free of debris, etc.
16. A prominently displayed community bulletin board shall be installed in the vicinity of Lots 556, 557, and 558 that would announce activities sponsored by the church and the community as well as stipulations regarding use of the lots.
17. Trinity AME Zion Church shall provide designated parking to members in the community on a regular basis between the hours of 10:00 p.m. and 6:00 a.m. Security gates shall be installed and members of the church and the community shall be issued access cards.
18. On "bad" weather days (particularly in the event of snow), the community members shall be allowed parking on the lots at anytime or day of the week.

VOTE: **3-0** (Betty King and Sheila Cross Reid to grant; Jerrily R. Kress to

grant by absentee vote).

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

ATTESTED BY: 
SHERI M. PRUITT-WILLIAMS
Interim Director

FINAL DATE OF ORDER: SEP - 1 1998

PURSUANT TO D.C. CODE SEC. 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 OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16298/poh

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16298

As Interim Director of the Board of Zoning Adjustment, I hereby certify and attest that on SEP 18 1998 a copy of the order issued on SEP 11 1998 in this matter was mailed first class postage prepaid to the party who appeared and participated in the public hearing concerning this matter, and whose address was inaccurately printed on the list of parties to whom the order was sent upon its issuance. This party is listed below:

Gwendolyn R. Simmons, Esquire
Hessel and Aluise, P.C.
1050 17th Street, NW Suite 900
Washington, DC 20036

Attested By: _____

A handwritten signature in cursive script, appearing to read "Sheri M. Pruitt-Williams", written over a horizontal line.

SHERI M. PRUITT-WILLIAMS
Interim Director

Date: _____

SEP 18 1998

Attest/poh

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16298

As Interim Director of the Board of Zoning Adjustment, I certify and attest that on SEP - 1 1998 a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who participated in the public hearing and who is listed below:

Gwendolyn R. Simmons, Esquire
Hessel and Aluise, P.C.
Washington, D.C. 20010

Robert L. Tucker, Chairman
Advisory Neighborhood Commission 1A
3511 14th Street, N.W.
Washington, D.C. 20010

Attested By: *Sheri M. Pruitt-Williams*
SHERI M. PRUITT-WILLIAMS
Interim Director

Date: SEP - 1 1998

16298/attest/poh

**Trinity A.M.E. Zion Church Parking Lot Acquisition
Chronology and Appendices**

a/k/a (Trinity Housing Corporation)

BZA Application Number 18599 and BZA Order 16298

History of Timelines, Obligations, and Deadlines

Parking lots located at premises 1417, 1493, and 1507

(Square 2684, Lots, 556, 557, and 558)

I. Chronology

1966 February 22 District of Columbia Regulatory Agency (DCRA) received and accepted Trinity A.M.E Zion Church's Articles of Incorporation as "The Trinity Housing Corporation of Washington."

1966 March 14 Special Warranty Deed (Appendix 1)

Both Sales Contract and the Deed restrict the use of the property to the development and operation of a parking lot.

1993 October 07 Memorandum from Trinity A.M.E. Zion Church (Appendix 2)

Proposes plans for parking lot.

1996 March 11 Contract for sale of Land bet DC RLA and Trinity Housing Corporation (Appendix 3)

1997 July 18 Memorandum from BZA Zoning Branch Chief Nunley (Appendix 4)

Amendments added to parking lot proposal.

1998 January 06 Letter of opposition to BZA from Sherrill Berger (Appendix 5)

Cites failure of Church to meet its commitments.

1998 February 18 ANC-1A02 Commissioner Robert Tucker on one of his constituents objected to the use of the property as a parking lot, "their concern was that they had not an opportunity to review the plans and they wanted to do that before they approved the use." The hearing was postponed until February 24.

1998 February 24 Trinity Housing Corporation (Appendix 6)

2006 June 14 Trinity Housing Corporation senior housing plans 1. Did anyone save these housing plans, or the DRAFT AGREEMENT for an underground garage on Meridian Place?

2. I have a conditional agreement in draft of what the community wanted at the time.

2013 May 23 BZA Notice is given that special exception to allowing parking lots in application #18599 expired May 30, 2013; and that BZA will hold a public hearing at 441-4th Street NW, Suite 220 South, Washington, DC 20001 on Tuesday July 30, 2013.

2013 May 29 BZA Notice confirmation Center & Meridian Street residents confirmed receiving BZA notice dated May 23, 2013.

2013 June 11 Advisory Neighborhood Commission 1A0 Commissioner Vickey Wright-Smith informed by telephone of resident concerns. Commissioner stated she would make a general announcement of resident concerns; arrange for a small group of Center/Meridian residents to meet with the Mr. Othello Mahone, consultant and representative agent for Trinity Housing Corporation, and placing the Church's request on the ANC's agenda for July 10, 2013.

2013 June 12 ANC 1 A02 Commissioner announces resident concerns about the Corporation's parking lots. Four community members attended Willoughby, Fay, Tinsler, Robinson.

2013 June 18 ANC 1A02 Meeting at Trinity A.M.E. Zion Church (Appendix Residents Berger, Fay, Kenny, Tinsler, Willoughby, meet Mahone, Kelly, Wright-Smith, (2) MPD Officers, and Ingraham Street resident and Church member, presents issues.

2013 July 10 ANC 1A Monthly Meeting ANC1 A 102 Public Hearing: Trinity Housing Corporation request to renew special exception for parking lots agendized.

2013 July 11 Center/Meridian Street Group Meeting

2013 July 15 BZA Suspense Date Last Day to submit "Party Status" (Form 140), or Non-Compliance (Form 300).

2013 July 30 BZA Hearing Board: Order# 18599. Trinity Housing Corporation's request to renew special exception permits for owning parking lots in a residential area.

II. Appendices to Chronology
of
The Trinity A.M.E. Zion Church
Parking Lot Acquisition

Appendix 1: (abstract)

1966 March 14

Special Warranty Deed

“The transfer was made by Special Warranty Deed, dated March 11, 1996 and filed with the District of Columbia Recorder of Deeds as Document No. 9600015571 on March 14, 1996. (Both Sales Contract and the Deed restrict the use of the property to the development and operation of a parking lot.)

Appendix 2: (abstract)

1993 October 07

Memorandum:

From Trinity A.M.E. Zion Church

To: Citizen Participation Plan

“The Trinity A.M.E. Zion Church plans to develop parcel 20 (Lots 822, 824 thru 827, and 331 in Square 2684) 14th Street, NW located on Meridian Street, NW for use as a parking lot.”

Appendix 3: (abstract)

1996 March 11

Contract for sale of Land by and between DC Redevelopment and Land Agency and the Trinity Housing Corporation: SEC. 2. **Sale: Purchase Price** (a) Subject to all the terms, covenants and condition of the Contract, the Agency (RLA) shall sell the Property to the Redeveloper (Trinity) for, and the Redeveloper shall purchase the Property from the Agency and pay therefore the total amount of One Hundred Twenty Two Thousand Dollars (\$122,000.00).

SEC. 6. Submission of Plans.

(a) Redeveloper's Schematic Plans submitted to the Agency for its approval pursuant to Section 302 of Part II of this Contract **have been approved** by the Agency.

(b) Redeveloper's Preliminary Drawings and contract specifications were submitted to the Agency for its approval pursuant to Section 303 f Part II of this Contract and **have been approved** by the Agency.

(c) Within ninety (90) days of the date hereof, or such longer period of time shall be mutually agreed upon, the Redeveloper shall submit the working drawings and contract specifications stamped by the Permit Section of the Department of Consumer and Regulatory Affairs for the IMPROVEMENTS which drawings and specifications shall be referred to as the "FINAL PLANS." Said FINALS PLANS shall be in conformity with the approved Preliminary Drawings pursuant to Part I, Paragraph 6(b) above and the Plan. The FINAL PLANS are incorporated by reference as Exhibit B

Appendix 4: (abstract)

1997 July 18

Memorandum:

To: Board of Zoning Adjustment

From: Edgar T. Nunley, Chief, Zoning Review Branch

Subject: Proposed Paving of Vacant Lots for purposes of Establishing Parking Lots

1997 August 26

Trinity Housing Corporation Articles of Incorporation Amended as follows: .

"The following amendment to the Articles of Incorporation was adopted by the corporation in the manner prescribed the District of Columbia Non-Profit Corporation Act:

The Third and Fourth Articles shall be deleted in their entirety and the following language substituted in their stead:

- (a) To provide affordable housing and related facilities and services to low and moderate income families and persons in the 14th Street Urban Renewal Area and elsewhere and to contribute to their security by improvements in the neighborhood.
- (b) To provide educational, recreational and community facilities and services ancillary to such housing.
- (c) To provide additional parking facilities (i) to serve residential uses both for existing housing and residents and for housing to be developed by the corporation, and (ii) to serve other short-term needs of retail, service, and neighborhood and public uses.”

Appendix 5: (abstract)

1998 January 06

In a letter to BZA. Sherrill Berger opposed the application:

- A. There is a serious traffic and parking congestion on Oak. Center and Hertford Streets and Meridian Place, N.W. which is caused by nonresident parking in the area between 4:00 p.m. and midnight, Monday through Sunday.
- B. Unhealthy conditions are created by idling cars and church tour buses.
- C. Members of the Trinity A.M.E. Zion Church park on the sidewalk within inches of private buildings on Oak Street, making it difficult for through traffic and emergency vehicles to pass.
- D.Excessive noise is generated by the many cars that come to the churches activities.
- E. Cars owned by church members take up most of the existing spaces whenever the church has its activities.
- F. The Trinity Housing Corporation paved the lot at Center Street and Meridian Place with large loose rock gravel which neighborhood children use to damage cars, windows, buildings and other private property.
- G.For the last eight years, no effort has been made to beautify the perimeters of the parking lots.

Appendix 6: (abstract)

1998 February 24

Trinity Housing Corporation presented the plans to the community as well as a copy of the zoning application.

1998 March 09

The ANC approved the plans and the use of the property as a parking lot. A community meeting was held and an ANC meeting was held.

1998 BZA Public Hearing Dates: (January 7, February 18, and March 18)

1998 BZA Decision Dates: (April 1 and May 6) (Final Date of Order September 1, 1998) See BZA Application - Section 213 - (Issues and Arguments)

“ANC 1 A voted to support the requested variance to change the residential zoning to parking lots, with the following **CONDITIONS:**

1. That the 1993 “Parking Agreement” be implemented in full,
2. That security lights, security gates with passes for community residents, and the Church/Community Bulletin Board be installed;
3. That there is no discrimination in community use of the lots. All bona-fide residents of Center Street and the 1400-1500 blocks of Meridians Street, NW are entitled to access on proof of residency;
4. That further discussions regarding the implementation of the Parking Agreement is necessary;
5. That ANC 1 reserves the right to notify RLA that Trinity Housing Corporation **is not in compliance** with the “Parking Agreement, should the planned improvements and the full agreement not be implemented. (author’s italics)

...the Board Orders the application be GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FIFTEEN YEARS.
2. No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood shall not be affected adversely.
3. The parking lots shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in over spill parking on neighborhood streets.
4. A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.
5. All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with bituminous concrete or brick materials, or a combination of these materials, which forms an all-weather impervious surface, and which is a minimum of four inches (4 in.) in thickness.
6. The parking lots shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.
7. 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 the structure is otherwise permitted in the district in which the parking lots are located.
8. No vehicular entrance or exit shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb lines extended.
9. Any lighting used to illuminate the accessory parking spaces shall be arranged so that all direct rays are confined to the surface of the parking lots.
10. The parking lots shall be kept free of refuse and debris.
11. The parking lots shall be landscaped with trees and shrubs covering a minimum of five percent (5%) of the total area of the parking lots. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
12. All parts of the lots not devoted to parking areas, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris, and shall be paved and landscaped.
13. The lots shall be screened from all contiguous residential property by a solid brick or stonewall at least twelve inches (12 in.) thick and forty-two inches (42

in.) high or by evergreen hedges and/or evergreen growing trees which are thickly planted and maintained and are least forty-two inches (42 in.) in height when planted.

14. The dimensions of the parking spaces shall be a minimum of nine feet (9 ft.) in width and nineteen feet (19 ft.) in length.

15. On a temporary but experimental basis, Trinity AME Church shall post signs on Lot 557 permitting unattended public parking between the hours of 10:00 P.M. and 6:00 A.M. seven (7) days per week. There shall also be signs requesting the community's cooperation in maintaining the lot free of debris, etc.

16. A prominently displayed community bulletin board shall be installed in the vicinity of Lots 556, 557 and 558 that would announce activities sponsored by the church and the community as well as stipulations regarding use of the lots.

17. Trinity AME Zion Church shall provide designed parking to members in the community on a regular basis between the hours of 10:00 P.M. and 6:00 A.M. Security gates shall be installed and members of the church and the community shall be issued access cards.

18. On "bad" weather days (particularly in the event of show), the community members shall be allowed parking on the lots at anytime or day of the week.

Vote: 3-0 (Betty King and Sheila Cross Reid to grant; and Jerrily R. Kress to grant by absentee vote). Final Date of Order September 01, 1998

Appendix 7: Major Issues Presented by Community

2013 June 18

Trinity Housing Corporation's non-compliance with the BZA's 1998 Order.

Lots and Public Side Walks:

The Church needs to take measures to prevent the dangerous pattern of parking that is especially taking place in the lot which borders Center St. Cars are being parked in the middle of the lot, thus potentially preventing cars from exiting the lot. The Church could arrange to tow these cars or to line the lot so that it is clear where people should park. Lining the lot would require the lot to be paved.

Church members parking illegally on sidewalks next to the building at the corner of Center and Oak Street cause health and safety issue. Pedestrian are forced to walk in the street, and tenants of the building consume unhealthy fumes from idling engines while Church members park for convenience.

Every effort should be made to make sure that no vehicles park on the grassy lot on Meridian Place.

Personal Safety:

Given the periodic and sometimes very serious crime problems in the lot, the church should provide non-intrusive lighting so that criminal activity will be harder to execute. Possible measures could be repairing holes in fences and/ or installing better security fencing, having a keyed gate exit and entry system, deploying video cameras and improving property management. Some combination of these measures would deter robberies, vehicle theft, and personal injuries.

Property Lines:

The Church needs to respect the property lines of homeowners. In particular, it should not remove any object or vegetation, which is attached to the wall of a privately owned house without the owners' permission. The Church should make sure cars do not park on property owned by private residents.

The Church should work with individual residents who need to secure property line adjacent to Churches' parking lots. Development of the Church's property line would prevent loitering, and dumping on adjunct private property.

Resident Parking:

The Church needs to take measures to ensure that the park is available for residents of the neighborhood and not for commuters or for those who do not live in the neighborhood. The neighborhood is defined as residents of the block of Center St. between Oak and Meridian, and those who live on the 1400 block of Meridian Place.

Neighborhood parking on lots during Church activities (NEW)

Sanitation:

The Church should make sure that the lots are clean and empty of trash every day. All trash containers should be covered, and the property should be inspected daily. The grass lot should be mowed weekly, and trash should be picked up daily.

Environment - Green Landscaping:

The parking lots shall be landscaped with trees and shrubs covering a minimum of five percent (5%) of the total area of the parking lots (around the borders of the lots).

The landscaping shall be maintained by the Church in a healthy growing condition and in a neat and orderly appearance.

Churches' Response to Community Concerns:

1. Proposes Church Committee to work with the Community to implement small affordable improvements i.e.,- trash collection, etc.
2. Will assign a Church person to coordinate towing illegally parked cars after Church hours.
3. Will continue to tow out-of-state cars parked on the lots.
4. Will design and manage a community parking registration system.
5. Church is unable to afford electronic security, parking lot attendant, lighting, paving, line designation for vehicles, and landscaping.

-- Chronology prepared and submitted by Sherrill Berger, June 24, 2013