BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE
DISTRICT OF COLUMBIA

Applicant's Statement in Support of

Special Exceptions

Application Nos. 16593 and 16594

of

St. Luke's Protestant Episcopal Church

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August 22, 2000

BZA
Case No. 16593
Exhibit No. 36

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Board of Zoning Adjustment
District of Columbia
CASE NO.16593
EXHIBIT NO.36

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

APPLICATION OF THE ST. LUKE'S PROTESTANT EPISCOPAL CHURCH

BZA Application Nos. 16593 and 16594
Hearing Date: September 5, 2000
Advisory Neighborhood Commission 2A

I. ACTION REQUESTED

The St. Luke's Protestant Episcopal Church (hereinafter "St. Luke's" or "the Church") requests special exception relief pursuant to Section 3104.1 and 214 of the Zoning Regulations to authorize accessory parking on Lots 819 and 820 on Square 194. Since the properties in the two cases are in common ownership, are in the same square, and were last considered by the Board of Zoning Adjustment ("BZA" or "Board") as one case, the Board has consolidated the two cases for public hearing.

The property which is the subject of BZA Case No. 16593 is known as lot 819 and is located on the south side of Church Street between 15th and 16th Streets, N.W. at 1514-20 Church Street (the "Church Street lot"). This property is located directly to the west of the St. Luke's Church building.

The property which is the subject of BZA Case No. 16594 is located at the northwest corner of the intersection of P and 15th Streets, N.W. and is known as lot 820 and as 1503 P Street (the "P Street lot"). This property is

located directly to the south of St. Luke's Church across a public alley, that is 10 feet wide.

Both properties were last before the Board in Application Nos. 16232 when the Board, by Order dated March 6, 1998, approved the use of the P Street lot for accessory parking for a two year period and denied an accessory parking use on the Church Street lot.

A. Authority of the Board of Zoning Adjustment

The subject properties are located in an R-5-B zone district.

Pursuant to 11 DCMR §§3104.1 and 214 of the Zoning Regulations, the Board is authorized to grant a special exception for accessory parking spaces in all R-5 districts where, in its judgment, such will be 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 properties in accordance with the Zoning Regulations and map. Accessory passenger automobile parking spaces elsewhere than on the same lot or part of the lot on which the main use is permitted are permitted in an R-5-B district if approved by the BZA as a special exception in accordance with the requirements of Section 3104.1 of the Zoning Regulations. These regulations require that the accessory parking space shall be in an open area, located within 200 feet of the

principal use, contiguous to or separated only by an alley from the use to which they are accessory and not likely to become objectionable to neighboring property because of noise, traffic or other objectionable conditions. 11 DCMR §214 and 3104.1. Once these showings are made, the Board ordinarily must grant the special exception. Citizens Coalition v. D.C. Board of Zoning Adjustment, 619 A.2d 940, 948 (D.C. App. 1993); First Baptist Church v. D.C. Board of Zoning Adjustment, 432 A.2d 695, 698 (D.C. App. 1981); Stewart v. D.C. Board of Zoning Adjustment, 305 A.2d 516, 518 (D.C. App. 1973).

II. DESCRIPTION OF THE PROJECT.

St. Luke's Church has been using each of the properties that are the subject of this application for parking purposes since 1959.[1] Each of lots is improved with an all weather impervious service and is measured and striped in accordance with Chapter 23 of the Zoning Regulations. By Order dated March 6, 1998, the Board of Zoning Adjustment granted a special exception for the Church to use the P Street lot for accessory parking to the church for a two year period. The Board denied the Church's application to use the Church Street property for accessory parking purposes.

Hence, for the past two years, the Church has been using the P Street lot for accessory parking to St. Luke's while the Church Street lot has remained

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[1] Except for periods when the Board has denied zoning authority for St. Luke's to use one lot, or the other, for reasons discussed later in this Statement.

paved and striped but vacant and chained. By these applications, St. Luke's seeks to continue to use the P Street property for its own accessory parking needs. In addition, the church wishes to favorably respond to a number of requests that have been made to it from neighborhood institutions seeking to use the P Street lot for their purposes during some of the times that St. Luke's does not require those spaces. These applications also seek a special exception for St. Luke's to use its Church Street property for accessory parking for the church. These requests are permitted uses and well within the letter of the Zoning Regulations.

A. Site Location Description.

The Church Street lot is located directly to the west of the St. Luke's church structure. It is already paved with an all weather impervious surface and striped with 30 parking spaces. Ten of those spaces are 8 feet, 7 inches by 16 feet; 10 are 8 feet, 7 inches by 19 feet. The drive aisle is 20 feet in width. Spaces are accessed through a curb-cut to Church Street, N.W., which is one way westbound. A brick wall and new shrubs and trees are erected along the northern perimeter of the lot. Tire restraint devices have been placed along the western perimeter of the lot to ensure that each of the cars using those spaces are parked within the property lines of the church's property.

Immediately to the west of the Church Street lot is another parking lot that is used by the National Association for the Education of Young Children, a

non-profit D.C. corporation. By Final Order dated March 21, 2000, the BZA granted the National Association for the Education of Young Children a special exception allowing the continued use and operation of that parking lot for its purposes. That lot contains 22 spaces. The Board ordered the approval of that application for a two year period and it restricted the users of the lot to visitors and employees during business hours and members of the community and nearby churches during non-business hours. Immediately to the west of the National Association for the Education of Young Children's lot are four single family residences. The National Association for the Education of Young Children's primary building is located at 1509 16th Street, N.W. on the western perimeter of Square 194.

The P Street lot will provide a total of 38 parking spaces. Each of those spaces will be 8 feet, 2 inches wide and 16 feet long. The drive aisles are 20 feet in width. The lot will be accessed from two curb cuts off of P Street and through the 10 foot brick and asphalt alley that separates the lot from the main church structure. The lot will be landscaped as shown in Exhibit A.

B. Zoning History of the Site.

Both of these properties have been used intermittedly for accessory parking by St. Luke's since 1959. By Final Order dated January 29, 1980 both the P Street lot and the Church Street lot were approved to continue as "parking lots" for a two year period. By Final Order dated June 4, 1982, in

Application No. 13591, the Board denied a special exception to continue the parking lot use on the P Street lot and granted the St. Luke's application to continue the use of the Church Street lot as a "parking lot". This grant of approval was for three years. By Final Order dated August 1, 1986, the Board granted special exceptions for the church to use both properties as parking lots. By Final Order dated March 2, 1992, in Application No. 15624, the Board granted a special exception to use both properties as parking lots for a period of five years. By Final Order dated March 6, 1998, in Application No. 16232, the Board granted a special exception for a two year period allowing St. Luke's to use the P Street lot for accessory church parking only. It denied the application for accessory parking on the Church Street lot.

In the case of each approval, the Board specifically found that the church had met the requirements of the Zoning Regulations. On the occasion of each denial, the Board found that St. Luke's had either failed to maintain the vacant property or had not met the conditions that the Board had imposed on that property in previous cases.

C. Area Description.

The R-5-B district is mapped over the eastern two thirds of Square 194. The R-5 districts are designed to permit all types of urban residential development with progressive height density and area requirements from R-5-A to R-5-E. R-5 districts also permit institutional and semi-public buildings that

are compatible with adjoining residential uses. In the R-5-B district, a moderate height and density is permitted. Both accessory parking and parking lot uses are permitted as special exceptions in the R-5-B district. 11 DCMR §§213, 214, 352.1.

The SP-1 district is mapped on the 16th Street frontage of Square 194. In that district are institutional buildings which were granted special exceptions to locate there. See BZA Application Nos. 16106 and 16575.

Low and moderate residential uses dominate on squares to the north and south of Square 194. Some of these uses are benefited by off-street accessory parking. Others depend on whatever supply of on street parking they may find to be available.

To the east of the site, across 15th Street, N.W. is mapped the C-3-A district, a zone which is designed to accommodate important sub-centers supplemental to the Central Business District. As designed, it is compact in area and located on an arterial street, 15th Street, which is one-way north bound. The C-3-A district permits medium density development with a mix of retail and residential uses.

Immediately across 15th Street from the church and the subject sites are two retail paint and supply stores and an automobile repair shop. The 1400

block of P Street is also the site of an existing "supermarket" and the much heralded new Fresh Fields grocery store. The 1500 block of Church and P Streets are predominantly residential in character although there are some commercial uses in these blocks. Some of the residential units have been substantially renovated and upgraded. Most of the structures in the 1500 block of P Street, on Square 194 have carved out off-street accessory parking spaces in their rear yards. 11 DCMR §§331.1(b), 351.1(a). The National Association for the Education of Young Children was recently granted a special exception under Section 213 to continue the use and operation of an existing parking lot with 22 spaces on lots 50, 51 and 52, known as 1522-26 Church Street, N.W. (BZA Application No. 16548, Final Order dated March 21, 2000).

D. Proposed Uses Consistent with the D.C. Comprehensive Plan

The District of Columbia Generalized Land Use Map of the comprehensive plan designates both sites in the moderate density residential land use category. This use includes row houses and garden apartments and may also include low density housing. The area to the east of the subject lots is designated for medium density multiple unit housing and mid-rise apartment buildings. The properties immediately across 15th Street to the east of Square 194 are designated for medium density residential uses and low density commercial land uses. The proposed accessory parking uses on the P Street lot and the Church Street lot are not inconsistent with each of these land use categories.

The proposed uses are also consistent with the objectives of the District Elements of the Comprehensive Plan as follows:

- promotes the successful and creative functioning of the neighborhood as a whole, 10 DCMR §§101.1(a), 102.1;
- promotes the integral institutional uses that contribute to the character and amenities of the neighborhood, 10 DCMR §§101.1(a), 102.2;
- preserves and ensures community input, as the proposed uses have sought and obtained community support and address the community concern for adequate off-street parking, 10 DCMR §101.1(f); and
- promotes public safety by providing off-street parking at a secure and enclosed environment, 10 DCMR §101.1(I).

III. ZONING STANDARDS ARE MET

A. Applicant is Entitled to Special Exception Relief under Section 214 of the Zoning Regulations.

A special exception use is deemed compatible with other uses permitted in the particular zoning category provided that certain requirements are met. If the Applicant meets the burden, the Board ordinarily must grant the application. First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment, 432 A.2d 965 (D.C. App. 1981). The Applicant

meets the strict requirements for special exception approval for accessory passenger automobile parking spaces elsewhere on the lot on which the main use is permitted in accordance with Section 214 of the Zoning Regulations:

1. Subsection 214.2: The proposed accessory parking spaces are located in an open area.
2. Subsection 214.3: The proposed accessory parking spaces are located in their entirety within 200 feet of the area to which they are accessory.
3. Subsection 214.4: Both the P Street lot and the Church Street lot are either contiguous to or separated only by an alley from the use to which they are accessory.
4. Subsection 214.5: All provisions of Chapter 23 of the Zoning Regulations regarding parking lots are complied with:
    a. All areas devoted to driveways access lanes and parking areas are paved and maintained with bituminous concrete which forms an all weather impervious surface and is a minimum of four inches in thickness;
    b. Both lots are designed so that no vehicle or any part of a vehicle projects over any lot or building line;

c. No other use will be conducted from or upon either lot and no structure other than an attendant shelter shall be erected or used upon either lot;

d. No vehicular entrance or exit shall be within 40 feet of a street intersection as measured from the intersection of the curb lines extended;

e. Any lighting used to illuminate a parking lot will be arranged so that all direct rays of the lighting are confined to the surface of the parking lot;

f. Both lots will be kept free of refuse and debris and will be landscaped. The landscaping will be maintained in a healthy growing condition and in an neat and orderly appearance. Landscaping the shrubs will cover a minimum of 5% of the total area of the parking lot as shown in Exhibit A.

5. Subsection 214.6: It is economically impracticable to locate accessory parking spaces within the principal building because the principal building, a land mark registered in the National Register of Historic Places, was fully constructed prior to any zoning requirements for off-street parking spaces. Thus, the existing building on the (principal) lot will

not allow the appropriate number of accessory parking spaces on the same lot with the church structure.

6. Subsection 214.7: The proposed accessory parking spaces are on existing lots, approved previously for such uses and been found previously to be not likely to become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions. Square 194 is located in the periphery of the downtown area where off-street parking is at a premium for all of the uses that exist in this neighborhood: residential, institutional, religious, retail and service. As time evolved, the church began to lose its membership to churches that are located in the Washington suburbs, closer to where significant portions of the membership reside. Those who do choose to remain as members drive to church, when they can, and are, thus, in the market for the limited number of on-street parking spaces that exist. This puts them in direct competition with the residents of nearby single and multi-family buildings, and the churches, non-profit entities and institutional users in the neighborhood.

Neighbors have consistently told St. Luke's of their satisfaction that institutions such as the Studio Theatre and

the Jewish Community Center have obtained neighborhood buildings that were abandoned, renovated them and brought them back to life. Now each of these institutions, and others, have come to St. Luke's requesting permission to use either or both of the church's parking lots to accommodate staff and customers of the institutions.

For its part, St. Luke's has determined that its Church Street lot is inappropriate for parking other than its own, but that the P Street lot, which is located on an arterial and is adjacent to a C-3-A district, can appropriately handle overflow institutional parking when the lot is not being used by the church. Hence, St. Luke's is willing to permit certain institutions to use its P Street lot for overflow parking should the Board of Zoning Adjustment approve. In so doing, the church makes clear that the P Street lot will not be used for commercial purposes, nor for commuter parking. For their part, any institution that St. Luke's grants permission to use its lot will be held strictly accountable to the Church for security, upkeep and maintenance during the period of its use.

7. Section 3104.1: The special exceptions requested will be in harmony with the general purpose and intent of the zoning

regulations and zoning maps and will not tend to effect adversely the use of neighboring property in accordance with the zoning regulations and zoning maps.

IV. COMMUNITY RELATIONS

The P Street lot and the Church Street lot have been the subject of zoning and parking uses for the last 41 years. Both lots have been granted approval to be used for commercial and accessory parking and both lots have been denied, at different times, zoning authority for parking purposes. Both denials, within the last 20 year period, resulted from the church, admittedly, not doing what it was supposed to do with respect to lot maintenance and upkeep.

Since the last denial of the use of the Church Street property in 1998, St. Luke's is under new leadership. That leadership has pledged to rectify the church's shortcomings with respect to maintenance and upkeep and to extend a working hand of cooperation and fellowship with its neighbors.

Thus, Pastor Virginia Brown-Nolan and Senior Warden Ruby Van Croft, among others, have either held or attended community meetings, and sent out numerous letters to community residents seeking their input and cooperation and participation in the church's activities, including the use of the subject parking lots.

St. Luke's is delighted that the results have mostly been favorable. Most significantly, the Advisory Neighborhood Commission 2A has formally voted to support both applications. That expression of support, regretfully, does not extend to the church's wish to use the P Street lot to accommodate the overflow off-street parking needs of nearby institutions, but it does give evidence of St. Luke's intent and progress in seeing the goodwill of its neighbors.

To be sure, there are still those in the community who believe St. Luke's has not done all that it could to maintain its property, including the lot on which the church building is located. St. Luke's pledges to continue to resolve these concerns. Then there are those who have been quite blunt in expressing their "preference" that the church sell its properties to a residential developer to construct either multi or single family dwellings. The church has responded that it will consider its options as appropriate.

Meanwhile the off-street parking difficulty continues for St. Luke's and others in the neighborhood. In the near time, the church has resolved to use both lots to address these off-street parking problems. It is clear that downtown residential densities and the resulting demand for parking are both increasing. There are those who believe that the new Fresh Fields store in the 1400 block of P Street, N.W. will be a significant catalyst to increased retail, commercial and high density residential uses in the area. We note that the

existing C-3-A and R-5-B zone districts will accommodate most of these uses on a matter-of-right basis. Thus, St. Luke's reasonably concludes that it is practical, appropriate and consistent with the zoning regulations that it use its existing lots for the purposes set forth herein.

Because of the time and, most notably, the expense it takes to assemble a team to make application to the Board to continue the zoning approval for these uses, and in view of the long term use of these lots for the purposes proposed here and the ability of the Board to condition its grants of approval, and the ability of any person to seek relief from any violation of a Board of Zoning Adjustment Order and the church's sworn testimony that it will uphold its responsibilities under the order, St. Luke's respectfully requests a grant of authority to use both lots, as stated herein, for a period of no less than five years.

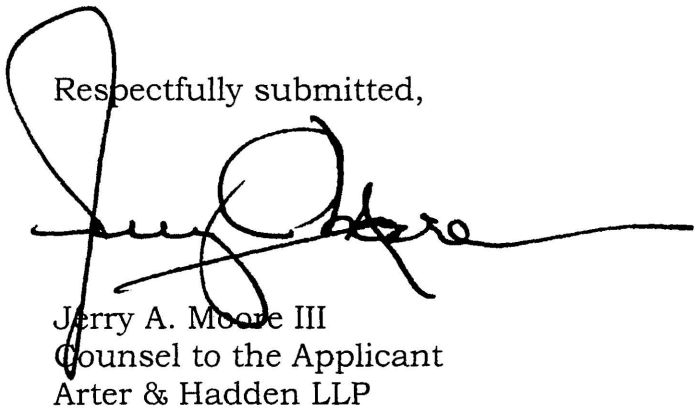
V. CONCLUSION

It is for these reasons that the St. Luke's Protestant Episcopal Church submits that it has met its burden of proof under the applicable Zoning Regulations and is, thus, entitled to the special exception relief that is requested.

VI. WITNESSES

Counsel has two witnesses on behalf of the church: its Pastor, Reverend Virginia Brown-Nolan and its Senior Warden Mrs. Ruby Van Croft.

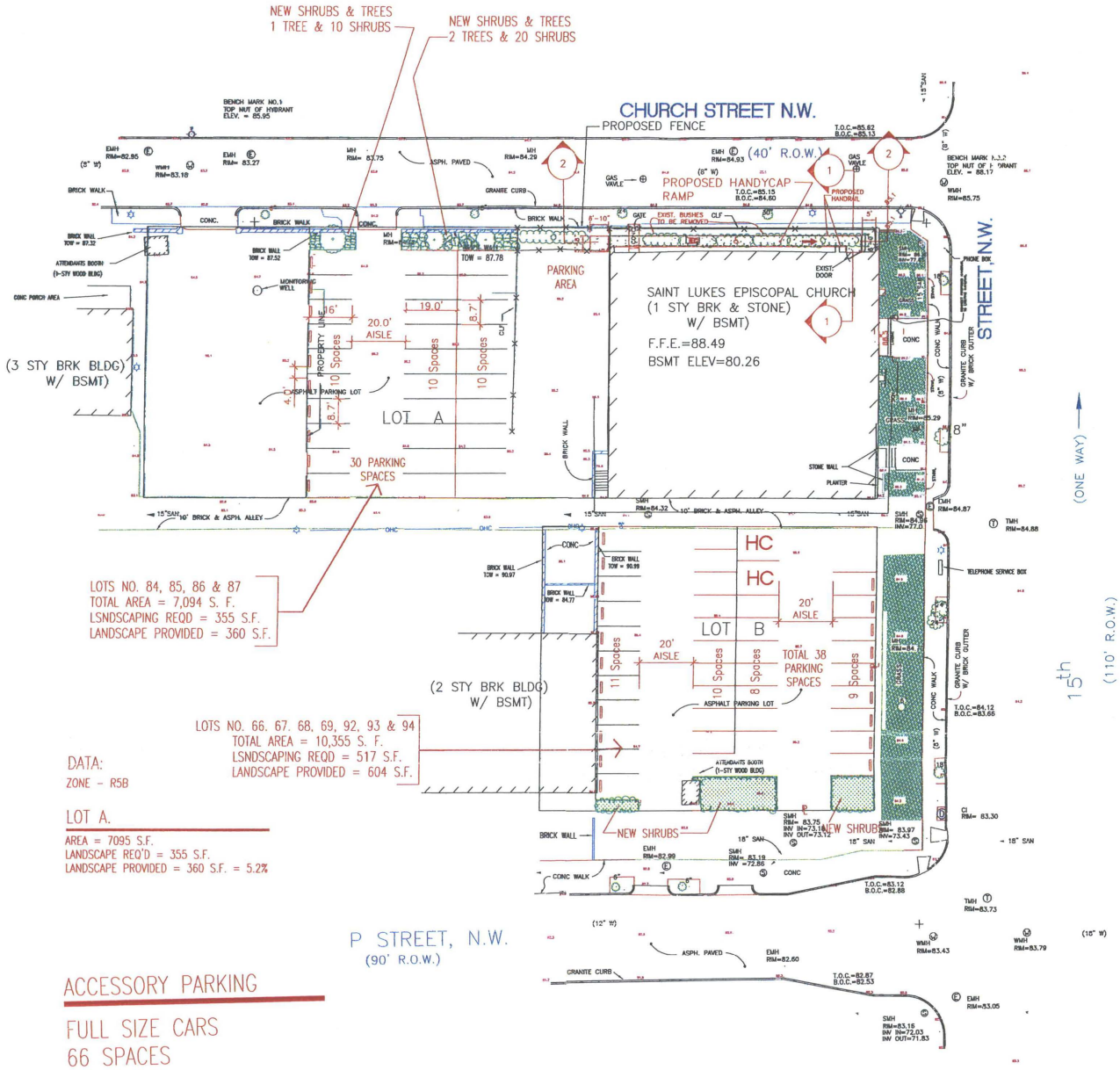
Respectfully submitted,



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Attachment: Exhibit "A"

EXHIBITS



DATA:

ZONE - R5B

LOT A.

AREA = 7095 S.F.
LANDSCAPE REQ'D = 355 S.F.
LANDSCAPE PROVIDED = 360 S.F. = 5.2%

ACCESSORY PARKING

FULL SIZE CARS
66 SPACES

HANDICAP
2 SPACES

68 TOTAL PARKING SPACES

20' DRIVE ISLES