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| Peter Maszak | 202 942-5295 | | |
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**MESSAGE**

**Please call with comments. Thank you.**

BZA
Case No. 16602
Exhibit No. 36

Board of Zoning Adjustment
District of Columbia
CASE NO.16602
EXHIBIT NO.36

ARNOLD & PORTER

# *Memorandum*

**To:** Ms. Beverly Bailey

**From:** Peter Szegedy-Maszak

**Date:** September 21, 2000

**Re:** Draft BZA Order: BZA Case No. 16602

Attached is the Draft BZA order in the above case, heard September 19, 2000. It does not contain the conditions that you will put in related to any parking lot, and caps the number of parking spaces at 24. If you have any questions, please call me at (202) 942 - 5295. Thank you.

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16602 ("Application") is made by the Public Welfare Foundation, Inc., ("Applicant"), pursuant to Section 3104.1 of the Zoning Regulations for the District of Columbia in Title 11, DCMR ("Zoning Regulations"), for a special exception approval under Section 214 of the Zoning Regulations to provide up to twenty-four (24) accessory parking spaces for the use of employees of and visitors to the new headquarters offices of the Applicant. The headquarters building is known as the True Reformer Building, a designated landmark under the District of Columbia Historic Landmark and Historic District Protection Act of 1978, as amended, D.C. Code §§ 5-1001 *et seq.* (1994) (1999 Supp.) The accessory parking will be located on a vacant site separated only by a public alley from the True Reformer Building situated at 1200 U Street, N.W. The proposed accessory parking site is zoned R-4 and is located at 1932 12th Street, N.W. (Square 274, Lots 71 through 75).

HEARING DATE: September 19, 2000
DECISION DATE: September 19, 2000

SUMMARY ORDER

The Applicant is the owner of record of the subject land and improvements. The subject property consists of five lots fronting on 12th Street, N.W., beginning immediately south of the northernmost east-west alley in Square 274. Each lot is 17.78 feet in width along 12th Street (88.9 feet total) and 90 feet in depth, so that the total land area is a rectangle of 8,001 square feet. Square 274 is bounded by U Street on the north, T Street on the south, 12th Street on the east, and 13th Street on the west, all N.W.) The parking lot site is currently vacant. It had been previously used for a number of years as accessory parking for customers and employees of a former retail store that was in the True Reformer Building.[1]

The proposed use of the property will be an accessory parking lot with up to 24 spaces for the exclusive use of the employees of the Public Welfare Foundation and visitors to their offices. The proposed accessory parking is intended to strictly limit, as well as alleviate, any potential for overflow parking on neighborhood streets due the re-occupancy and restoration of the True Reformer building. As a historic landmark, the True Reformer Building does not have a parking requirement, pursuant to 11 DCMR § 2100.5.

[1] That accessory parking lot was approved in BZA Order No. 14574 (March 25, 1987.)

The accessory parking lot site is within the geographical boundaries of Advisory Neighborhood Commission ("ANC") 1B, which is automatically a party to the application. By resolution of August 9, 2000, and filed with the Board on September 18,2000, ANC 1B voted unanimously to support the Application with no opposition.

The Applicant presented substantial expert testimony and other evidence in support of the Application both in the written record and at the Board hearing. The report of the Department of Public Works recommended adoption of the requested special exception. ANC 1B, through its Chairperson, also testified in support of the Application. Moreover, there is no evidence in the record of any opposition to the Application.[2]

The Board duly provided timely notice of the public hearing on this Application by publication in the D.C. Register, and by mail to ANC 1B, and to owners of property within 200 feet of the Project.

As directed by 11 DCMR Section 3324.1, the Board has required the Applicant to satisfy, by substantial evidence, the elements necessary to be granted a special exception pursuant to Section 214 and Section 3104.1.

Based upon the record before the Board, the Board concludes that the Applicant has met its burden of proof pursuant to 11 DCMR §§ 214 and 3104.1. The Board finds that there is substantial evidence in the record to demonstrate that (1) this Application can be granted without tending to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; (2) the Application has met all of the evidentiary requirements in 11 DCMR § 214, (3) the Board's decision to approve this Application will not be adverse to the interests of ANC 1B and neighboring residents; and (4) that the Application is otherwise in harmony with the general purpose and intent of the Zoning Regulations.

IT IS THEREFORE ORDERED that the Application be granted, subject to the following conditions:

1. (standard conditions for input by Beverly Bailey

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR Section 3125.3 that the order of the Board shall be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not otherwise prohibited by law.

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[2] Although there was some discrepancy in the listed address of the property at issue in certain public documents in the record, the Board is satisfied that appropriate public notice was given in accordance with the requirements of our procedures in 11 DCMR § 3114.1 *et seq.*

VOTE: 3-0 (Mr. Sockwell, Ms. Renshaw and Mr. Hood, as designee of the Zoning Commission, in favor)

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

_____

ATTESTED BY: _____, Director, Office of Zoning

FINAL DATE OF ORDER: _____, 2000