ARNOLD & PORTER
555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1206
(202) 942-5000
FACSIMILE: (202) 942-5999

NEW YORK
DENVER
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DISTRICT OF COLUMBIA
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APPLICATION OF THE PUBLIC WELFARE FOUNDATION, INC.

To the D.C. Board of Zoning Adjustment

For a Special Exception to Provide Accessory Parking Spaces Pursuant to Subsection 3104.1 and Section 214 of the Zoning Regulations

This application is made pursuant to §3104.1 of the District of Columbia Zoning Regulations ("Zoning Regulations"), for a special exception under §214 to provide accessory parking spaces for the use of employees of the Public Welfare Foundation, Inc. ("Applicant") and visitors. The accessory parking will be located on a vacant site separated only by an alley from the Applicant's headquarters in the True Reformer Building at 1200 U Street, N.W., a local historic landmark zoned C-2-A/Arts. The proposed accessory parking site is zoned R-4 and is located at 932 12th Street, N.W. (Square 274, Lots 71 through 75). The Applicant owns all of the affected properties. This property has been used in the past for parking accessory to a retail use in the True Reformer Building. (See Site Location Map and Zoning Map in *Exhibits A and B*.)

The Subject Property and Surroundings

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. (See Surveyor's Plat in *Exhibit C*.) The property is currently vacant but has a concrete surface that was used for a number of years as accessory parking for customers and employees of the Duron Paint store that was in the True Reformer Building. That accessory parking lot was approved by the Board of Zoning Adjustment ("BZA") in Order No. 14574 dated (See photographs of the property in *Exhibit D* and a copy of BZA Order No. 14574 in *Exhibit E*.)

The True Reformer Building is a designated local landmark and is listed in the Inventory of Historic Sites pursuant to the District's Historic Landmark and Historic District Protection Act of 1978, D.C. Law 2-144. Both the True Reformer Building and the proposed parking lot are within the Greater U Street Historic District.

BZA
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Exhibit No. 5

Board of Zoning Adjustment
District of Columbia
CASE NO.16602
EXHIBIT NO.5

To the west (rear) of the proposed parking lot is a one-story utility building of the Washington Metropolitan Area Transit Authority (WMATA), followed by vacant land in the interior of the block.[1] Several lots to the south of the proposed parking lot are also vacant. The T Street and 13th Street frontages are improved with row houses and two apartment houses. The U Street frontage is improved with the True Reformer Building at the corner of 12th and U Street and a few other, adjacent commercial uses in approximately the eastern one-third of the block. The northwest corner of the square accommodates an entrance to the U Street-Cardozo Metrorail station. In general, the uses on nearby squares consist of low-moderate scale commercial and arts uses along both frontages of U Street and row houses with scattered apartment houses in the neighborhood areas zoned R-4.

The Proposed Use

The proposed use of the property will be an accessory parking lot with 25 spaces for the exclusive use of the employees of the Public Welfare Foundation and visitors to their offices at 1200 U Street, N.W. The proposed accessory parking is intended to prevent or alleviate any potential for overspill parking on neighborhood streets due the reoccupancy and restoration of the landmark building. As a historic landmark, the True Reformer Building does not have a parking requirement, pursuant to the Zoning Regulations at 11 DCMR 2100.5. The parking waiver was certified by the Historic Preservation Division of the Department of Consumer and Regulatory Affairs (DCRA) on April 24, 2000.

Compliance with the Zoning Regulations

The proposed accessory parking spaces are consistent with the applicable special exception standards of the Zoning Regulations for accessory parking spaces in residential zones, at 11 DCMR 214: ACCESSORY PARKING SPACES. The Applicant's proposed accessory parking lot complies with the applicable standards, as reviewed and documented below. (See the Site Plan in *Exhibit F.*)

The main clause, §214.1, authorizes the Board to approve as a special exception, "accessory passenger automobile parking spaces elsewhere than on the same lot or part of a lot on which the main use is permitted, subject to §3104.1 and the conditions specified in §§214.2 through 214.8, as follows:

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[1] Part of this land is owned by the Applicant and received approval by the previous owner in BZA Order No. 16295 for improvement as a parking lot. The parking lot has not been built, however, and the Applicant is in the process of exploring with community representatives alternative uses for these interior lots. The Property in the instant application better meets the Applicant's parking needs because of immediate proximity to the office building and the location imposes no adverse neighborhood effects, as discussed below.

214.2 Accessory parking spaces shall be in an open area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finished grade.

Comment: The proposed accessory parking spaces, as depicted in the plan submitted with this application, are in an open area which is currently vacant and which is at the level of the adjacent finished grade.

214.3 Accessory parking spaces shall be located in their entirety within two hundred feet (200 ft.) of the area to which they are accessory.

214.4 Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.

Comment: The Property is separated only by a public alley 15.25 feet in width from the principal use, the True Reformer Building, at 1200 U Street, N.W. The proposed parking lot site is 88.9 feet in its north-south dimension along 12th Street and is 90 feet in its east-west dimension. Thus, all of the property is well within 200 feet of the principal use.

214.5 All provisions of chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an appropriate case under §2303.3 modify or waive the conditions specified in §2303.2 where compliance would serve no useful purpose.

Comment: The conditions specified in § 2303 are reviewed in a separate section after completing the review of §214 criteria.

214.6 It shall be economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:

(a) Strip zoning or shallow zoning depth;

(b) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;

(Criteria (c), (d) and (e) are not applicable to the Property.)

Comment: As to Paragraph (a) above, the pattern of zoning along the south frontage of U Street from 10th to nearly 14th Street is a shallow strip of C-2-A/Arts zoning, which in most places is 100 feet or less in depth. As to Paragraph (b) above, it is unsafe and impracticable to locate accessory parking spaces on the lot of the principal use because the True Reformer Building is a historic landmark that occupies 100 percent of its lot. The Applicant's plan, in furtherance of historic preservation law, policies and regulations, is to fully preserve and restore the historic building.

214.7 Accessory parking spaces shall be so located and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

Comment: The proposed accessory parking lot will not become objectionable to adjoining or nearby property for a number of reasons:

- Vehicular entry to and egress from the parking lot will be via the existing public alley off of 12th Street. There will be no new curb cut. The alley immediately abuts the commercially zoned and used properties oriented to U Street, so that in and out traffic is removed to the maximum feasible extent from existing or potential residential buildings to the south and east.

- The accessory parking will be buffered from residential property to the south by either a wall or landscaped screening, as specified in §2303.2. This screening will provide visual as well as noise protection for residential neighbors. (See the site plan and later discussion of §2303 criteria.)

- The parking spaces will serve only employees of the Public Welfare Foundation and visitors. Consequently, the lot will have very little use in evening hours when nearby residents have returned from work.

- At 25 spaces, the parking lot is not large, so that the number of vehicles entering and leaving will not be large. As a primarily commuter parking lot, the periods of entry and exit will be relatively short – in the a.m. and p.m. peak traffic periods – and will coincide with time periods of high volume traffic on nearby streets. The net additional vehicular movement and associated minor noise will be minor.

- Despite being relatively small, the accessory parking lot will prevent or at least substantially alleviate overspill parking on to local residential streets, which might occur in the absence of this off-street parking.

- Compliance with the conditions specified in §2303 regarding materials, landscaping, maintenance, etc., will provide further protection against adverse visual or noise effects on neighbors.

214.8 Before taking final action on an application for use as an accessory parking space, the Board shall submit the application to the D.C. Department of Public Works for review and report.

Comment: The Applicant will meet with appropriate staff at the Department of Public Works (DPW) to ensure that DPW is satisfied with the design and suitability of the accessory parking.

Compliance with Section 2303 – Parking Lots

2303.1 A parking lot in any district shall conform to the following special provisions:

(a) 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 or other materials or other material approved by the District of Columbia Department of Public Works as structurally equivalent or better, which form an all-weather impervious surface, and which is a minimum of four inches (4 in.) in thickness.

Comment: Complies. The Applicant's plans call for a combination of concrete and bituminous materials in excess of four inches in thickness and will fully comply with this provision.

(b) The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.

Comment: Complies. The parking lot is designed so that no vehicle or any part of a vehicle projects over any lot line or building line.

(c) 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 lot is located.

Comment: Complies.

(d) 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.

Comment: Complies. Access to the accessory parking will occur via the existing east-west alley, which is 100 feet south of the intersection of 12th and U Streets, N.W.

(e) Any lighting used to illuminate a parking lot or its accessory buildings shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.

Comment: Complies. The lighting will be designed so that all direct rays are confined to the surface of the parking lot.

(f) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of five percent (5%) of the total area of the parking lot, or an area as determined by the Board of Zoning Adjustment for a parking lot otherwise requiring Board approval.

Comment: Complies. Applicant will fully comply with these maintenance and buffering standards. (See the Site Plan in *Exhibit F.*)

Subsection 3104.1 – Special Exception Authority

Based on the facts and analysis presented in this memorandum, the Applicant has demonstrated that, as required by § 3104.1, the proposed use is consistent with the intent of the Zoning Regulations to enhance compatibility between adjoining commercial and residential zone districts and will not tend to adversely affect adversely the use of neighboring property. The requested accessory parking spaces will provide convenient and necessary parking to serve employees of and visitors to the adjacent offices of the Public Welfare Foundation. The parking lot is located and appropriately buffered from nearby properties in a manner that will minimize any effects on neighbors, and this off-street parking will alleviate potential overspill parking on neighborhood streets.

CONCLUSION

The Applicant has demonstrated that the proposed accessory parking lot complies with the standards for approval pursuant to § 3104.1 and § 214 of the Zoning Regulations. We respectfully request approval of this application.

Respectfully submitted,
ARNOLD & PORTER

Nathan W. Gross

Peter B. Szegedy-Maszak