ShawPittman

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February 6, 2001

D.C. RECEIVED OFFICE OF ZONING 2001 FEB -6 PM 3:17

BY HAND DELIVERY

Mr. Robert Sockwell, Chairperson
District of Columbia Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: The Metropolitan Memorial United Methodist Church
BZA Application No. 16673

Dear Mr. Sockwell and Members of the Board:

Enclosed please find an original and nine copies of the Statement of the Applicant for the above-mentioned BZA application. The Applicant looks forward to presenting this application at the Board's February 20, 2001 Public Hearing.

If there are any questions regarding the filing of the Statement, please have Board staff contact either of the undersigned at (202) 663-8000.

Respectfully Submitted,

Maureen E. Dwyer /SES

Maureen E. Dwyer

Sarah E. Shaw

Sarah E. Shaw

Enclosures

cc: Office of Planning
ANC 3D

BZA
Case No. 16673
Exhibit No. 27

Document #: 1074426 v.1

Board of Zoning Adjustment
District of Columbia
CASE NO.16673
EXHIBIT NO.27

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of The Metropolitan Memorial United Methodist Church on behalf of the American University

BZA Application No. 16673
Public Hearing February 20, 2001
ANC 3D

RECEIVED
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STATEMENT OF THE APPLICANT

I.
Nature Of Relief Sought

This application, pursuant to Section 3104.1 of the Zoning Regulations, requests a special exception, under Section 2116.5, to use the parking lot owned by the Metropolitan Memorial United Methodist Church (the "Church") and located adjacent to the Church at 3401 Nebraska Avenue, N.W. (Lot 10, Square 1601) as additional weekday parking for The American University ("AU"). The Church and AU request this special exception relief to continue AU's weekday use of this lot for the duration of its next Campus Plan (2001-2010). The Board previously approved similar applications in BZA Cases Nos. 12567, 13475 and 15107 (see Exhibit E).

II.
Background

The subject property is located at the intersection of Nebraska and New Mexico Avenues, N.W., approximately one block southwest of Ward Circle and directly across Nebraska Avenue from the campus of AU, as shown on the attached plat (Exhibit A). The parking lot is located in the R-5-A and WH/R-1-B Zone District and contains approximately 21,000 square feet of land area (see Exhibit B). Currently, the lot is used by the Church and by AU for parking pursuant to BZA approval (see Exhibit E).

The parking lot is across New Mexico Avenue from the main parking lot of AU, which is a surface lot containing space for approximately 900 vehicles. There are residential uses to the south of the property, as well as the Sutton Place commercial center at New Mexico Avenue and Newark Street, N.W. Across Newark Street from the Church are the Horace Mann School and the residential neighborhood of Wesley Heights.

This Board previously approved the use of the Church parking lot by the American University in BZA Applications Nos. 12567, 13475 and 15107 (see Exhibit E). In previous orders the Board has found that the lot is well maintained and reasonably necessary and convenient to both the Church and AU.

The subject parking lot contains a total of 113 spaces and is used on weekends by the Church. Over the course of its next campus plan, from 2001 through 2010, AU proposes to use eighty (80) spaces, in the subject lot, for visitor parking and thirty-three (33) spaces for faculty/staff parking as part of its campus-wide parking management program. The parking lot's location so close to AU's main Nebraska Avenue parking lot will prevent cars from circling neighborhood streets looking for parking and help to keep cars from parking along nearby residential streets.

III.
Jurisdiction Of The Board

This Board has jurisdiction under Section 3104 to grant a special exception as provided under Section 2116 of the Zoning Regulations.

IV.

Exhibits in Support of the Application

In support of this application, the Applicant offers the following exhibits:

Exhibit A: Copy of portion of the Sanborn Atlas for the area with the subject property outlined in red.

Exhibit B: Copy of portion of Zoning Map for the area with the subject property outlined in red.

Exhibit C: Photographs of the subject property.

Exhibit D: Copy of traffic/parking analysis.

Exhibit E: Copy of past BZA Orders approving the parking lot use.

Exhibit F: Outline of testimony of authorized representative of Metropolitan Memorial United Methodist Church and The American University.

Exhibit G: Outline of testimony of representative of Gorove/Slade Associates, Inc.

V.
The Applicant Is Entitled To Special Exception Relief Under The Zoning Regulations

Uses that are allowed by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. In reviewing applications for a special exception under the Zoning Regulations, the BZA's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites of the Regulations are satisfied, the Board ordinarily must grant the application. See, e.g., Bakers' Local Union No. 118 v. District of Columbia Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

Section 2116.5 permits open parking spaces, accessory to any building or structure, to be located upon a different lot, subject to Board approval and the standards set out in Sections 2115.6 through 2116.9. As set forth in greater detail below, approval of special exception relief in this case is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of nearby properties.

A. Section 2116.6 – It Is Not Practical To Locate The Spaces In Accordance With Section 2116.2.

1. The Location Of Parking Spaces On Another Lot Results In More Efficient Use Of Land.

Continued use of the Church parking lot by AU students, faculty/staff and visitors will provide flexibility in the supply of parking spaces on the AU campus, will allow more area on the AU campus to be devoted to open space and will enable the subject parking lot to be used more efficiently when it is not needed by the Church.

2. The Location of Parking Spaces On The Subject Lot Would Result In Less Adverse Impact On Neighboring Properties.

The Church has operated the parking lot adjacent to the church for at least thirty-five years. The parking lot is shielded from the residential neighborhood by the Church structure. In addition, some landscaping is provided on the perimeter of the lot to further screen the presence of parked cars. By providing weekday parking in the Church parking lot, so close to the main AU parking lot, the need for AU students, faculty/staff and visitors to drive around the surrounding neighborhoods searching for parking is greatly reduced, as is parking on residential streets near the AU campus. Furthermore, the agreement between the Church and AU allows Church parking in AU's Nebraska Avenue parking lot on the weekends if needed. Therefore, approval of this special exception will benefit the Church, AU and the surrounding community.

B. Section 2116.7 – Parking On Adjacent Lots Or Lots Separated Only By An Alley Is Preferred.

The subject parking lot is separated from the main campus only by Nebraska Avenue and is immediately across New Mexico Avenue from the main AU parking lot. Because the AU campus is nearly surrounded by residential uses, there are no lots adjacent to the campus that are appropriate for accessory parking, nor are there any alleys in the vicinity of the campus. Likewise, there are no existing parking lots separated from the campus by an alley. The use of the existing parking lot by both AU and the Church is an appropriate and efficient use of land, and therefore is preferable to adjacent lots or lots separated only by an alley.

C. Section 2116.8 – The Parking Is Located So As To Furnish Reasonable And Convenient Parking Facilities For The Occupants Or Guests Of The Buildings Or Structures, Which They Are Designed To Serve.

The parking lot is located directly across Nebraska Avenue from the University and within easy walking distance to any point on the main campus. The lot has an ideal location to serve the campus. There are crosswalks on Nebraska Avenue to provide a safe and efficient pedestrian route to the campus.

D. Section 2116.9 – The Board May Impose Such Conditions As To Screening, Coping, Setbacks, Fences, The Location Of Entrances And Exits, Or Any Other Requirement It Shall Deem Necessary To Protect Adjacent Or Nearby Property. It May Also Impose Other Conditions As It Shall Deem Necessary To Assure The Continued Provision And Maintenance Of The Spaces.

The subject parking lot is screened by landscaping, including trees, and the Church building. The lot is equipped with a gate at its entrance to control unauthorized use.

The provision of parking spaces will be assured for the duration of AU's next Campus Plan through the agreement between AU and the Church. The maintenance of the parking lot will be the responsibility of both the AU and the Church, and is also contained in the agreement.

VI.
Applicant Complies With The Provisions Of Section 3104

As fully demonstrated above, the approval of the application to allow AU to continue using the subject parking lot will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely, the use of neighboring properties.

VII.
Witnesses

A. Jorge Abud, designated representative of The Metropolitan Memorial Methodist Church and The American University.

B. Representative, Gorove/Slade Associates, Traffic Consultant

VIII.
Conclusion

For the reasons set forth above, it is respectfully submitted that the Metropolitan Memorial United Methodist Church and The American University have established that the relief requested may be granted in accordance with the requirements of the Zoning Regulations.

Respectfully submitted,
Shaw Pittman

By: Maureen Dwyer
Maureen E. Dwyer

Sarah E. Shaw
Sarah E. Shaw

February 6, 2001

A


NGTON, D.C. VOL. 5
73
550,552)
'A"
3. 1987
550
NEBRASKA AV. N. W.
WARD CIR. N.W.
METROPOLITAN MEM'L METH. CHURCH
P. (3 STORY)
PARK'G - P.
1601
PARK'G - P.
(AMERICAN UNIVERSITY)
45TH ST. N.W.
NEWARK N.W.
HORACE MANN ELEM. SCHOOL
1603
PLAYG'D
MACOMB N.W.
N.W.
WESTOVER PL. (VARYING WIDTH)
WESTOVER PL. TOWNHOUSES
PL. N.W.
NOTE: ALL BLDGS NUMBERED ON MASS. AV. N.W.
552
566
44TH ST. N.W.
1802
FEDERAL APTS
GARAGE
1601
TENNIS CT.
FOXHALL SQUARE
EMBASSY PARK DR. N.W. (VARYING WIDTH)
ALL BLDGS NUMBERED ON MASS. AV. N.W.
PARK'G
POOL
EMBASSY PARK DR. N.W.
MEXICO AV.
NEW MEXICO AV. N.W.
SUTTON PL. N.W. (VARYING WIDTH)
SUTTON TOWERS APTS
#3101 NEW MEXICO AV. N.W.
KLINGLE N.W.
MASSACHUSETTS AV. N.W.
128 R
213-R
MEET & REC HALL




R-5-A
R-5-B
R-1-B
R-1-A
C-1
U.S. NAVY
AMERICAN UNIVERSITY
NEBRASKA AVENUE
UNIVERSITY AVENUE
MASS AVE.
WARD CIRCLE
WESLEY CIRCLE
QUEBEC ST.
GLOVER-ARCHBOLD
GLOVER
NEWARK ST.
TINDALL ST.
SPRINGDALE ST.
SEDGWICK ST.
45TH ST.
NESS ST.
COVERED RESERVOIR
FRIENDSHIP PLGD.
COMEY PL.
NEW MEXICO AVE.
NEW MEXICO
MANN SCHOOL
MACOMB
LOWELL
KLINGLE
CATHEDRAL
FOXHALL RD.
HAWTHORNE ST.
GARFIELD PARK
HAWTHORNE LA.
GLOVER PARK
WESLEY HEIGHTS
FORT DRIVE
BATTERY KEMBLE PARK
INDIAN PARKWAY RD.
MILLWOOD LA.
GLENBROOK RD.
VALLEY PARK
CONWAY RD.
LOWELL LA.
WEAVER TER.
WH
400'
200'
150'
291'
270'
663'







VIEWS OF PROPERTY FROM NEW MEXICO AVENUE



VIEW OF PROPERTY FROM NEBRASKA AVENUE



VIEW OF PROPERTY FROM NEWARK STREET



GOROVE/SLADE ASSOCIATES, Inc.
Suite 700 / 1140 Connecticut Ave. NW / Washington, DC 20036
Phone: (202) 296-8625
Fax: (202) 785-1276
Toll Free: (888) 212-4242

MEMORANDUM

TO: The District of Columbia Board of Zoning Adjustment

CC:

Jorge Abud	American University
Jerry Gager	American University
Maureen Dwyer	Shaw Pittman
Marsha Lea	EDAW, Inc.
Ken Laden	D.C. Department of Public Works.

FROM: Michael W. Weil, A.I.C.P.
Nicole White, P.E.

DATE: February 1, 2001

SUBJECT: Use of the Metropolitan Methodist Church Parking Lot by American University

INTRODUCTION

The purpose of this memorandum is to summarize the peak hour traffic/parking impact of American University's use of the Metropolitan Methodist Church parking lot, which is bounded by Nebraska Avenue on the west, New Mexico Avenue on the north, and Newark Street on the east. This memorandum will also outline the ways in which American University's use of the church parking lot will help to increase the University's parking capacity, minimize future University traffic impacts, and help to fulfill the 2000 Campus Master Plan.

Gorove/Slade and Associates, Inc. has conducted a comprehensive traffic and parking study of American University's Main Campus and Tenley Campus. The results are reported in, The American University 2000 Campus Plan Traffic and Parking Study, December 11, 2000

EXISTING CONDITIONS

Through an agreement with the Metropolitan Methodist Church, American University currently uses the church's parking lot for general "overflow" parking with any permitted University-related vehicle allowed to use the lot during the week. This agreement is similar to a shared parking agreement between George Washington University and The Kennedy Center, with George Washington University-related vehicles allowed the use of parking facilities located at The Kennedy Center during the week. The Metropolitan Methodist Church lot has significant excess capacity during the week, when there are virtually no church activities scheduled. As part of this mutually beneficial agreement with American University, visitors to the Metropolitan Methodist Church use the Nebraska Lot on Sundays, as needed.

University commuter students often use the church lot during the week when their destination is on the southside of the Main Campus or they can not locate any spaces in the Nebraska Lot, which is used for commuter student parking and located on the other side of New Mexico Avenue. The Metropolitan Methodist Church lot currently contains 113 spaces and a peak hour parking observation (Monday, 1:00 P.M.) showed a lot utilization of 68 spaces (60% utilization), which includes both church visitors and University-related vehicles.

Morning (8:00-9:00 AM) and evening (5:00-6:00 PM) traffic peak hour observations reveal that there are very few vehicles entering/exiting the church lot driveways located on New Mexico Avenue and Newark Street and as a result, the lot has a minimal impact on morning and evening peak hour traffic. These observations support the church lot's use by American University as overflow space because the Nebraska Lot exhibits a significant amount of activity during the AM and PM peak hours, unlike the church lot. The church lot is utilized more in the middle of the day (off-peak), as the Nebraska Lot gradually fills up. The University parking occupancy survey shows the Nebraska Lot with an occupancy of greater then 90% at 1:00 P.M. on Monday, Tuesday, and Thursday. By locating overflow parking for commuter students across the street from the Nebraska Lot, the Metropolitan Methodist Church parking lot reduces neighborhood parking by eliminating the difficult search for vacant spaces distributed in other locations around the Main Campus.

FUTURE CONDITIONS

In an effort to transform its Main Campus into a more attractive community asset, American University is seeking to eliminate pedestrian/vehicle conflicts and establish more open, green space on its campus. As a result, University parking would be consolidated, parking facilities would be realigned, and parking uses would be assigned to locations which would minimize University-related traffic impacts on the local street network as part of the University's parking management plan. The Metropolitan Methodist Church's 113-space parking lot would remain an important part of American University's parking supply in the future, as indicated in the 2000 Campus Master Plan.

The University would use the church lot for visitor parking (80 spaces) and faculty/staff parking (33 spaces), as part of its parking management program. A majority of the lot spaces (approximately 70%) would be reserved for University visitors, who tend to arrive/leave the University between the AM and PM traffic peak hours, resulting in minimal peak hour traffic impact. The availability of visitor parking in such an accessible, highly visible location would also likely result in a reduction in vehicle miles traveled by visitors and would reduce the chance of visitors parking in adjacent neighborhoods by eliminating the search for vacant visitor spaces. Although the remaining spaces would be reserved for University faculty/staff, who may be more likely to arrive/leave the University during the AM and/or PM peak hours, the small number of vehicles would not have a significant impact on the local street network during the morning or evening peak hours.

CONCLUSION

Not only would the University continue to benefit from the shared use of the church lot spaces, but the Metropolitan Methodist Church would also continue to benefit from continued access to the University's Nebraska Lot for its future potential capacity needs. The University's current use of the church lot does not impact peak hour traffic on the local street network and would not impact peak hour traffic on the local street network in the future.



BOARD OF ZONING ADJUSTMENT

Application No. 12567, of the Metropolitan Memorial United Methodist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to use an existing Church parking lot for parking by students and faculty of American University in the R-5-A District at the premises 3401 Nebraska Avenue, N.W., (Square 1601, Lot 816).

HEARING DATE: January 25, 1978
DECISION DATE: March 1, 1978

FINDINGS OF FACT:

1. The subject property is located at the intersection of Nebraska and New Mexico Avenues, N.W., one block southwest of Ward Circle. It is known as 3401 Nebraska Avenue, N.W., and is in an R-5-A District.

2. The property is located directly across Nebraska Avenue from the campus of American University. The Metropolitan Memorial United Methodist Church and related structures are adjacent to Lot 816. Across New Mexico Avenue from the subject site is a parking lot which is used by American University. It has a capacity of approximately 678 cars. South of the existing American University parking lot is the site of the Kettler Brothers development which is currently under construction and will contain approximately 150 townhouse units and 233 parking spaces when completed. Across Newark Street from the church, is the Horace Mann Public School. The neighborhood to the south of this site (generally between Nebraska and New Mexico Avenues) is residential. A mixture of single family detached and semi-detached units are the predominant housing type.

3. The subject parking lot 816 is owned by applicant, the Metropolitan Memorial United Methodist Church. The lot is now used by the church for church related parking, to accommodate students and faculty of American University without approval from this Board and by non-university persons without approval from the church.

4. The parking lot has a capacity for approximately one-hundred and eight cars. It is paved, lined and well maintained.

Application No. 12567

5. There are two entrances to the lot, one from New Mexico Avenue, N.W., and another from Newark Street, N.W. Both access points can be closed at present with the use of chains.

6. The applicant indicates that the lot will be for the exclusive use of the church and students and faculty of American University. It will not be used as a commercial parking lot. The students and faculty of American University will use the lot only on weekdays and only when the lot has excess capacity.

7. The University proposes to allow only those students and faculty members who have paid the University's parking registration fee to use this lot.

8. The University will provide a guard house and guards to supervise the lot during those periods when the lot will be used by students and faculty. The applicant will receive no monetary compensation for the use of its lot from American University.

9. There will be no commercial advertising signs on the lot.

10. The New Mexico Avenue entrance, which is approximately fifty feet from the intersection of Nebraska and New Mexico Avenues will be closed during the weekdays leaving only the Newark Street entrance open.

11. The Municipal Planning Office, by report dated January 20, 1978, recommended that the application be approved provided the entrance from New Mexico Avenue be closed during peak traffic periods, that the use of the subject lot by American University be restricted to those periods when classes are in session and that during that period the University provide adequate control.

12. The application was forwarded to the Department of Transportation on December 19, 1977, for its review and report. By report dated February 6, 1978, the Department stated that no adverse impacts were identified and recommended approval.

13. Advisory Neighborhood Commission 3D, at the public hearing, recommended first that approval of the application should be deferred until adjacent blocks receive resident parking permits for which they have petitioned; secondly, that no decision be made until the relation of the subject square to the American University's campus plan be clarified and the D. O. T. reports on the impact of the subject special exception on traffic and parking congestion on nearby commuter and residential streets; and thirdly, if approval is warranted no fee shall be charged to the use of the lot.

14. As to the concerns of the ANC, the Board finds that deferring a decision on the application until the residential permit parking program is implemented in this area is unwarranted. Some of the streets in the area are already impacted with parking related to American University, and in fact, this lot would serve to provide some measure of relief by opening up additional off-street parking spaces. The Board notes that the Department of Transportation did report, and that it identified no adverse impacts from this proposed lot. The Board finds that the issue of whether a fee should be charged for use of this lot is a policy to be determined by American University as an administrative action. It is not a function of this Board to take on this responsibility of the University.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that all the provisions of Article 74 of the Zoning Regulations have been complied with, and that there are no commercial advertising signs on the property. The Board concludes that the approval of this application will not adversely affect the present character or future development of this area, as it will help relieve parking pressure in the area. The lot is exceptionally well maintained at present and it will be reasonably necessary and convenient to both the Church and American University.

The Board concludes that the granting of this special exception 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. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

a. Permit shall issue for a period of three (3) years which shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

c. An eight inch coping shall be erected and maintained along each side of all driveways to protect the public space.

Application No. 12567

d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures or otherwise permitted in the zoning district in which the parking lot is located.

h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 3-2 (Walter B. Lewis, having read the record, Chloethiel Woodard Smith and Charles R. Norris to GRANT, William F. McIntosh and Leonard L. McCants to DENY).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 9 MAR 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13475 of Metropolitan Memorial United Methodist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot in an R-1-B and R-5-A District at the premises 3401 Nebraska Avenue, N.W., (Square 1601, Lot 816).

HEARING DATE: April 22, 1981
DECISION DATE: May 6, 1981

FINDINGS OF FACT:

1. The subject property is located at the intersection of Nebraska and New Mexico Avenues, N.W., one block southwest of Ward Circle. It is in an R-1-B and R-5-A District at the premises known as 3401 Nebraska Avenue, N.W.

2. At the time that this application was last approved by the Board, it was thought to be located entirely within the R-5-A zone district. Upon filing of the application, the staff of the Board discovered that the property is in fact divided by a zone boundary line, with less than five percent located in the R-1-B zone and the remainder zoned R-5-A.

3. The property is located directly across Nebraska Avenue from the campus of American University. The Metropolitan Memorial United Methodist Church and related structures are adjacent to Lot 816. Across New Mexico Avenue from the subject site is a parking lot which is used by American University. It has a capacity of approximately 678 cars. South of the existing American University parking lot is the site of the Kettler Brothers development which contains approximately 150 townhouse units and 233 parking spaces. Across Newark Street from the church is the Horace Mann Public School. The neighborhood to the south of this site generally between Nebraska and New Mexico Avenues is residential. A mixture of single family detached and semi-detached units is the predominant housing type.

4. The lot is currently used as parking for the church on weekends and during evening functions. During the daytime hours Monday through Friday, the lot is used as parking for the faculty and students of the adjoining American University. The applicant proposes the continuation of the facility in this fashion.

5. The lot accommodates approximately one hundred and eight vehicles, and operates as an attended facility by the University Monday through Friday from 7:00 A.M. to 6:00 P.M.

6. The applicant testified that maintenance of the lot is a co-responsibility of the church and the operator of the lot.

7. The Church and University are non-profit entities, and the lot is not operated as a commercial facility for profit. The University does, however, impose a cost, based on the normal school year, of approximately ninety dollars, to defray the cast of maintenance and operation incurred by the use of the lot as University parking.

8. There are two entrances to the lot, one from New Mexico Avenue, N.W., and another from Newark Street, N.W. Both access points can be closed at present with the use of chains. The New Mexico Avenue entrance, which is approximately fifty feet from the intersection of Nebraska and Mew Mexico Avenues will be closed during the weekdays leaving only the Newark Street entrance open.

9. The University will provide a guard house and guards to supervise the lot during those periods when the lot will be used by students and faculty. The applicant will receive no monetary compensation for the use of its lot from American University. There will be no commercial advertising signs on the lot.

10. A spokesman for the University testified that this lot is not included in parking required as a part of the approved campus plan. This lot is used strictly to cover over-flow parking that would otherwise crowd the streets, with the understanding that if the church has a need for complete use of the lot at any time during the weekday, it will be made available to it.

11. The Department of Transportation by report dated April 7, 1981, indicated that upon its review of the lot, it was observed to be clean and in good physical condition. The Department therefore, offered no objections to its continued use.

12. Advisory Neighborhood Commission, by letter of April 23, 1981, stated that the lot seemingly had been operated without objections from neighboring residents, and the Commission would therefore not object to its continued use.

13. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that all the provisions of Article 74 of the Zoning Regulations have been complied with, and that there are no commercial advertising signs on the property. The Board concludes that the approval of this application will not adversely affect the present character of future development of this area, as it will help relieve parking pressure in the area. The lot is exceptionally well maintained at present and it will be reasonably necessary and convenient to both the Church and American University.

The Board concludes that the granting of this special exception 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. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

a. Permit shall issue for a period of five years from the date of expiration of the previous Certificate, of Occupancy, which shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures or otherwise permitted in the zoning district in which the parking lot is located.

g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (John G. Parsons and Connie Fortune to grant; Douglas J. Patton and William F. McIntosh to grant by proxy; Charles R. Norris not voting, not having heard the case).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 JUL 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "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 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15107 of the Metropolitan Memorial United Methodist Church, pursuant to 11 DCMR 3108.1, for a special exception under Section 2116.5 to permit accessory parking spaces elsewhere than on the same lot on which the main use is permitted to allow use of a parking lot by the American University in an R-5-A and R-1-B District at premises 3401 Nebraska Avenue, N.W., (Square 1601, Lot 816).

HEARING DATE: October 20, 21 and November 1, 1989
DECISION DATE: December 6, 1989

FINDINGS OF FACT:

1. The American University requests special exception relief to reinstitute an accessory parking lot operation for the duration of the Campus Plan (1989-2000) which is the subject of BZA Application No. 14640.

2. The subject property is located at the intersection of Nebraska and New Mexico Avenues, N.W., approximately one block southwest of Ward Circle and directly across Nebraska Avenue from the campus of The American University. The parking lot is located in the R-5-A and R-1-B District, and contains 21,000 square feet in area. The lot is owned and used by The Metropolitan Memorial United Methodist Church (the "Methodist Church"), and has in the past been used by The American University for accessory parking use pursuant to BZA approval under Order No. 12567 and 13475.

3. The parking lot is across New Mexico Avenue from the main parking lot of The American University which is a surface lot containing space for 902 vehicles. South of The American University parking lot is the Sutton Place commercial center at New Mexico Avenue and Newark Street. Across Newark Street from the Methodist Church is the Horace Mann School and the residential neighborhood of Wesley Heights.

4. This Board previously approved the use of the Methodist Church parking lot by The American University in BZA Application No. 12567 and 13475. In BZA Order No. 13475, the Board noted that the "lot is exceptionally well maintained at present, and it will be reasonably necessary and convenient to both the Church and the University." The approval of the second special exception expired in 1986.

The American University did not seek to renew the approval at that time.

5. The subject parking lot contains a total of 108 spaces, and is used on weekends by the Methodist Church. The Applicant proposes to allow The American University to use 88 spaces in the parking lot to accommodate its weekday parking needs of students, faculty, staff and visitors to the University.

6. Access to the parking lot is through the existing gate on Newark Street. The gate will be manned by University personnel. The hours of operation will not exceed Monday through Thursday from 7:00 a.m. to 9:00 p.m., and on Friday from 7:00 a.m. to 6:00 p.m. The lot will not be used by the University on weekends or during academic holidays and summer recess. The maintenance of the lot will be the joint responsibility of the Methodist Church and The American University.

7. The University stated that the use of the Methodist Church lot by the students, faculty and staff and permitted visitors to the University, will provide flexibility in the supply of parking spaces on the campus, will allow more area to be devoted to open space, and will enable the subject parking lot to be used more efficiently when it is not needed by the Church. In addition, the additional flexibility in parking provided by this site will enable the University to defer the parking garage in the immediate future as further set forth in the revised proposed Campus Plan in BZA Application No. 14640. Previously, the University proposed to construct an above-grade parking structure on the campus to accommodate its parking needs.

8. The Methodist Church has operated the parking lot adjacent to the Church for at least 25 years. The lot is shielded from the residential neighborhood by the Church structure. In addition, landscaping is provided on the perimeter of the lot to further screen the presence of parked cars. Finally, the use of the parking lot by University-related vehicles will help to alleviate the on-street parking of University-related vehicles, which should be a further benefit to the neighborhood.

9. The subject parking lot is separated from the main campus only by Nebraska Avenue, and is immediately across New Mexico Avenue from the main University parking lot. Because the campus is nearly surrounded by residential areas, there are no lots adjacent to the campus which are appropriate for accessory parking, nor are there any alleys in the vicinity of the campus. The use of the existing parking lot by both the University and the Methodist Church is an appropriate and efficient use of land, and therefore

is preferable to adjacent lots or lots separated only by an alley.

10. The parking lot is located directly across Nebraska Avenue from the University and within easy walking distance to any point on the main campus. The lot is an ideal location to serve the campus. There are crosswalks on Nebraska Avenue to provide a safe and efficient pedestrian route to the campus.

11. The transportation consultants for the University testified that the location of the Church parking lot in the immediate area of the Nebraska Avenue lot will reduce unnecessary circulation for those looking for parking spaces. The report further concluded that the lot is in a unique position to meet the intent of the parking management program with no expected adverse impacts on the adjacent neighborhood.

12. The subject parking lot is screened by landscaping, including trees, on three sides, and on the fourth side by the Church building. The lot is equipped with a gate at its entrance to control unauthorized use. The New Mexico entrance has been chained to preclude its use.

13. The provision of parking spaces will be assured for the duration of the Campus Plan by Agreement between the University and the Church. The maintenance of the parking lot will be the responsibility of both the University and the Church, and is also contained in the agreement.

14. By report dated October 13, 1989 and testimony at the hearing, the Office of Planning (OP) recommended approval of the application. The OP noted the previous use of the parking lot by the University did not create difficulties for the church or adverse impacts on the surrounding area. OP stated that it is lighted and exceptionally well maintained. OP recommended that the approval be for five years.

15. By report dated June 26, 1989, the Department of Public Works recommended approval of the application. The DPW report noted the prior use by the University, and stated that the lot is in good condition and well maintained.

16. By report dated October 13, 1989, Advisory Neighborhood Commission (ANC) 3D recommended approval of the application. The ANC 3D report asked that the maintenance agreement between the Church and the University be reduced to writing to deal with general maintenance and abandoned vehicles. The ANC also asked that the lot be attended during the hours of University use.

17. The Board is required to give great weight to the position of the ANC. The Board finds that the agreement between the Church and the University pertaining to maintenance is beyond the scope of review of this Board. The issue of an attendant at the lot during the hours of University use was addressed by the Applicant, and will be addressed in the conditions of this Order.

18. The Board finds that there was no opposition to the application either of record or at the public hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the Applicant is seeking a special exception, the granting of which requires compliance with the requirements of 3108.1, and that the relief requested can be granted as in harmony with the general purpose and intent of the Zoning Regulations, and that it will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met its burden of proof. The use of the lot is reasonably necessary to the operations of the American University and will help relieve parking pressures in the area. The lot is in good condition, is well maintained, and is located so as to be accessible, safe and convenient for such use.

Accordingly, it is ORDERED that the application is GRANTED subject to the following CONDITIONS:

1. Approval shall be for the duration of the Campus Plan (1989-2000) as set forth in BZA Order 14640.

2. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

3. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

4. No vehicle or any part thereof shall be permitted to project over any lot or building line on or over the public space.

5. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

6. No other use shall be conducted from or upon the premises and no structure other than an

attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

7. The hours of operation by the University shall not exceed 7:00 a.m. to 9:00 p.m. Monday through Thursday and 7:00 a.m. to 6:00 p.m. on Fridays. An attendant shall be provided at the parking lot.

VOTE: 5-0 (William L. Ensign, Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

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

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: FEB 21 1990

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 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15107order/BHS13

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OUTLINE OF TESTIMONY OF JORGE ABUD
ASSISTANT VICE PRESIDENT, THE AMERICAN UNIVERSITY

I. Introduction – Longstanding relationship with Metropolitan Memorial United Methodist Church

II. Discussion

A. Description of Daily Operations

1. Access to parking lot
2. University use
3. Maintenance

III. Conclusion

OUTLINE OF TESTIMONY OF TRAFFIC EXPERT, GOROVE/SLADE ASSOCIATES, INC.

I. Introduction

A. Gorove/Slade Associates, Inc.

B. Part of Larger Campus Plan Team

II. Analysis

A. As accessory parking for AU, the location of parking on the Church lot would result in more efficient use of land, and less adverse impact on neighboring properties (11 DCMR 2116.5, 2116.6)

B. Accessory parking across Nebraska Avenue from AU is the best alternative to parking on adjacent lots, or lots separated only by alleys (11 DCMR Section 2116.7).

C. The location of the accessory parking on the Church lot will furnish a reasonable and convenient parking facility for the University (11 DCMR Section 2116.8).

D. The parking lot is adequately screened and designed to protect adjacent or nearby property (11 DCMR Section 2116.9).

III. Conclusion