GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16500 of La Clinica del Pueblo, pursuant to 11 DCMR 3107.2 (new 3103.2), for a variance under Subsection 2101.1 for a waiver from the number of required on-site parking spaces to be used by the clinic in an R-5-B District at premises 2831 15th Street, N.W. (Square 2669, Lot 826).

HEARING DATE: **October 20, 1999**
DECISION DATE: **November 3, 1999**

D.C. RECEIVED
OFFICE OF ZONING
2002 FEB 20 PM 3:18

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 1B, and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 1B. ANC 1B, which is automatically a party to this application, submitted a written statement in support of the application.

As directed by 11 DCMR 3119.2, the Board required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2101.1.

The Applicant indicated that 38 parking spaces are required; however, the site can only accommodate five spaces. The Applicant requested zoning relief for 33 of the 38 required on-site parking spaces.

The Board received letters and petitions of opposition to establishment of the clinic; and, residents testified in opposition to the application. The overwhelming issue concerned the lack of parking, on and off-site, and its impact on the neighborhood. To ameliorate the problem, the Board determined that:

- Many of the clinic's employees live in the neighborhood and walk to work;
- Most patients walk or use public transportation;

Case No. 16864
Exhibit No. 5

Board of Zoning Adjustment
District of Columbia
CASE NO.16864
EXHIBIT NO.5

- The Columbia Heights Metrorail Station is located close to the site and is accessible to staff, volunteers and patients;

- The clinic would be establishing an incentive program to encourage employees to use Metrorail; and,

- In order not to create traffic impacts, the Applicant should be encouraged to provide off-street parking in the Columbia Heights neighborhood.

The Applicant and Advisory Neighborhood Commission 1B entered into an Agreement to provide 30 off-site parking spaces to be used by staff and volunteers of the clinic to supplement the five on-site parking spaces (Exhibit No. 46 of the record).

No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief 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. It is therefore **ORDERED** that this application be **GRANTED.**

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3 - 0 - 1 (Sheila Cross Reid, Jerry Gilreath and Robert Sockwell to grant; Anthony Hood, not voting, not present at the hearing.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 7 1999

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 3125.9, "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS 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.

BAB/11-18-99

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16500

As Director of the Office of Zoning, I hereby certify and attest that on DEC 7 1999 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Chris Murphy, Esquire
Hogan & Hartson, L.L.P.
555 13th Street, N.W.
Washington, D.C. 20004-1109

Dr. Juan Ramagoza
Executive Director
La Clinica de Pueblo
1470 Irving Street, N.W.
Washington, D.C. 20009

Nik Eames, Chairperson
Advisory Neighborhood Commission 1B
P.O. Box 73710
Washington, D.C. 20009-3710

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director