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July 10, 2002

DENNIS R. HUGHES
202-419-2448

Internet Address: drhughes@hklaw.com

DC. BOARD OF ZONING ADJUSTMENT
2002 JUL 10 AM 10:58

Hand Delivery

Elaine Booth
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Room 210
Washington, D.C. 20001

Re: Application of BDC Q Street LLC
1st and Q Streets, N.E.
BZA No. 16899

Dear Ms. Booth:

Enclosed please find 6 additional copies of the Statement of the Applicant to supplement the original and 14 copies which were filed with you yesterday (note date stamp). Thank you for your attention to this matter.

Very truly yours,

HOLLAND & KNIGHT LLP

Dennis R. Hughes

Enclosures

WAS1 #919995 v3

BZA
Case No. 16899
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16899
EXHIBIT NO.23

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

D.C. OFFICE OF ZONING
RECEIVED
2002 JUL -3 PM 4:39

Application of
BDC Q Street LLC

BZA Application No. 16899
Public Hearing: July 23, 2002
ANC 5C

STATEMENT OF THE APPLICANT

I.
Nature Of Relief Sought

This is an application pursuant to §3104.1 of the Zoning Regulations (Title 11, DCMR) for special exception under §2116 to allow open accessory parking spaces not located on the same lot as the building it serves, in an R-4 District at premises located at First and Q Streets, NE (Square 3519, Lot 801).

II.
Jurisdiction Of The Board

The Board of Zoning Adjustment has jurisdiction to grant the special exception relief pursuant to §3104.1 of the Zoning Regulations.

III.
Background Of The Case

A. Site and Vicinity Characteristics

The Applicant's Property consists of the entire south side of Square 3519, which is located on the north side of Q Street, NE, between Eckington Place and First Street, NE, (and bounded to the North by a public alley) and includes a combined office building, located at 118-120-140 Q

Street, NE, (Lots 43, 70, and 63 in Square 3519, respectively), and a parking lot at Lot 801, at the northeast corner of the intersection of First and Q Streets, NE, ("the Subject Property")(collectively, the "Applicant's Property"). The Subject Property, that part of the Applicant's Property which is the subject of this special exception application, measures approximately 100 feet along Q Street, NE, and 90 feet along First Street, NE. The parking lot also includes adjacent rented public space, as described below. A plat of the Subject Property is attached as Exhibit A. The Applicant's Property is identified at Exhibit B.

The Applicant proposes to provide parking at the Subject Property for its tenants of the combined office building at 118-120-140 Q Street, NE. The Square in which the Applicant's Property is situated contains both R-4 zoning (for the Subject Property) and C-M-2 zoning (for the remainder of the Applicant's Property, i.e. the combined office building at 118-120-140 Q Street, NE, is zoned C-M-2. (Please see Exhibits B and C).

Abutting the Applicant's Property to the North is a 20-foot wide public alley running east-west through Square 3519. Immediately North of the public alley is the Old Eckington School, which was converted to condominium use in the early 1980s. When the school was in operation, the Subject Property served as the school's playground. East of the school, and across the alley from the Applicant's combined office building, are rowhouse dwellings which front Quincy Place, NE.

To the South of the Applicant's Property, across Q Street, NE, are the XM Satellite Radio building and the Digital Color building. East of the Applicant's Property, across Eckington Place, NE, is the Flower Mart. West of the Applicant's Property, across First Street, NE, are rowhouse dwellings.

In the near vicinity of the Subject Property are numerous large commercial and industrial operations, including the Federal Express distribution center at the intersections of Eckington Place,

Florida Avenue and New York Avenue, NE, and Jemal's Washington Gateway building on Florida Avenue, NE.

B. Project Description and Background

The Applicant requests special exception approval from the Board in order to provide parking spaces on the Subject Property for the exclusive use of the employees/occupants of the Applicant's Property, particularly the combined office building at 118-120-140 Q Street, NE. The parking lot (including the rented public space) is to contain 39 parking spaces, each measuring nine by nineteen feet in dimension. The parking lot is completely enclosed by the combined office building on Applicant's Property on the East side of the parking lot, and the fence along the Subject Property's Q Street frontage on the Side, the First Street frontage on the West side, and the alley frontage on the North side (where the single access point to the parking lot is located, via a roll back gate.(Please see Exhibit H).

The Subject Property was previously utilized, in the 1980s, as a lot for secured overnight parking for company vehicles and for daytime use by employees and visitors of that prior owner's business located immediately South of the Subject Property, across Q Street, NE. This prior owner obtained special exception approval from the Board in 1982 to utilize the Subject Property as a parking lot, pursuant to BZA Application No. 13481 (Please see Exhibit G). This approval expired and, to the Applicant's knowledge, has not since been renewed. The Applicant purchased the Subject Property from an owner twice removed from the owner who obtained the Board's approval for the parking lot in the 1980s. At the time of purchase by the Applicant, the Subject Property was in a state of exceptional disrepair. (Please see Exhibit D).

The original parking lot was approved for 22 spaces whereas the Applicant here proposes to provide a total of 39 spaces utilizing both the Subject Property and adjacent public space. This public space, defined in the Public Space Regulations as public "parking", that is, the space located between private property and the curb line, is being rented by the Applicant from the District in order to provide the additional spaces. In addition to processing the public space permit application with the Division of Transportation ("DOT"), the Applicant applied for, and was issued, building permits by the District's Building and Land Regulation Administration ("BLRA"). The parking lot has been repaired in accordance with D.C. Code provisions. (Please see attached permits at Exhibit I). Only upon conducting internal due diligence for purposes of securing financing for the combined office building on the Applicant's Property, did the Applicant discover that the Subject Property may need approval from the Board to continue its longstanding use as a parking lot. The Applicant has brought this matter to the Board as a corrective action.

IV.
Exhibits In Support Of The Application

Before proceeding with the discussion of the merits of this application, the following additional materials are submitted:

Exhibit A:	Surveyor's Plat of the Subject Property.
Exhibit B:	A portion of the Baist and Sanborn Atlases showing the Applicant's Property outlined in red.
Exhibit C:	A portion of the Zoning Map showing Square 3519 outlined in red.
Exhibit D:	Photographs of Applicant's Property ("Before" – disrepair under prior ownership, and "After" – with improvements being undertaken by Applicant).
Exhibit E:	Outline of testimony of Representative of Applicant.

Exhibit F: Outline of testimony of Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP.

Exhibit G: BZA Application No. 13841.

Exhibit H: Parking Site Plan.

Exhibit I: Copies of Permits Obtained.

Exhibit J: Letter from neighboring property owner indicating support of the Application.

V.
Witnesses

A. Representative of the Applicant.

B. Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP.

VI.
The Applicant Meets the Requirements for Special Exception Relief Under the Existing Zoning Regulations

As the Board is aware, a special exception use is a use predeemed compatible with other uses permitted in that particular zoning classification provided that the specific regulatory requirements are met. In reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section. If the Applicant meets its burden, the Board must ordinarily grant the application. *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1973). Through the exhibits, testimony and other evidence before the Board,

the Applicant will establish that it complies with all applicable provisions under the Zoning Regulations.

A. The Applicants Satisfy the Criteria of Section 2116 of the Zoning Regulations

Section 2116 requires generally that all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve, either in a garage or open lot. Subsection 2116. 5 provides certain limited exception to the "parking on the same lot" requirement. Under this subsection, the Board may approve the location of accessory parking spaces for a certain building or structure to be provided elsewhere, so long as certain other enumerated requirements are met. These requirements are set forth in §§2116.6 through 2116.9. As demonstrated below, the Applicant's proposal complies with these requirements.

1. Compliance with Section 2116.6:

Subsection 2116.6 requires that the Board first determine that it is not practical to locate the parking spaces in accordance with §2116.2 for certain enumerated reasons. As a preface, §2116.2 provides that the parking spaces provided shall be located either: (a) in a permitted garage or carport; or (b) on an open area of the lot, either within a rear yard, within a side yard, or elsewhere on the lot if accessory to a commercial or industrial use. Under §2116.6 the Board requires a showing that these locational requirements cannot be met on the basis of either: (a) unusual topography, configuration, size or slope of a property; (b) lack of an alley or other appropriate egress/ingress; (c) traffic hazards resulting from exceptional grade; **or** (4) the location of the spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer egress/ingress, and less adverse impact on neighboring properties.

Pursuant to paragraph (d) of §2116.6, the Board should determine that the location of the parking spaces on the Subject Property to serve the combined office building at 118-120-140 Q Street, NE, does result in a more efficient use of land, better design, safer egress/ingress and less adverse impact on neighboring properties than would providing parking on those portions of the Applicant's Property. As a matter of first instance, providing such parking on said lots would not be practical as those lots are occupied 100 percent with the existing combined office building. There simply is no opportunity for the Applicant to provide sufficient parking spaces on those lots. As a result, the Applicant's proposal to provide parking on the Subject Property, which is unimproved and has already been approved by the Board for other parking use, is a more efficient use of land.

Furthermore, as is evident from the photographs of the current state of the Subject Property (Please see Exhibit D), evidencing site improvements already undertaken by the Applicant prior to its learning that Board approval for the parking lot technically might be necessary even though the BLRA had issued permits for construction on the Subject Property, the Application evidences a sensitive design for the parking lot and consequently the neighborhood, including a significant improvement over the conditions of the property in its former deteriorated state. Likewise, the Application, with its egress/ingress provided through the public alley affords greater protections to pedestrian and automobile traffic and less impact on neighboring properties, especially considering the alternative of providing only on-street parking in front of the Applicant's Property and elsewhere in the neighborhood.

2. Compliance with Section 2116.7:

Under §2116.7, in those cases, as here, where accessory parking spaces are proposed to be provided elsewhere than on the lot they are intended to serve, the Regulations state a preference that the parking be provided on lots separated by no more than an alley from the primary lot. The

Application complies with this requirement in that the Subject Property actually abuts the other lots that comprise the Applicant's Property, and for which the parking is proposed.

3. Compliance with Section 2116.8:

Subsection 2116.8 requires that the accessory parking spaces be 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. Again, the Application complies with this requirement in that it provides designated walkway access and pedestrian ingress/egress directly to the front of the adjacent buildings as well as directly into 118 Q Street, NE, via a doorway located at the norheasternmost corner of the parking lot (Please see Exhibit H). Thus, an employee or guest utilizing the proposed parking would be able to access the Applicant's offices directly from the parking lot (i.e. the Subject Property by proceeding directly to the southeasternmost portion of the Subject Property, exit the lot via the gate and walking directly along the provided, handicapped-accessible path to the combined office building. Alternatively, occupants or guests of 118 Q may also choose to access it directly from the parking lot (i.e. the Subject Property) via an entrance door entry at the northeastern corner of the parking lot.

4. Compliance with Section 2116.9:

Finally, §2116.9 provides the Board opportunity to impose conditions it might deem necessary to protect adjacent or nearby property as well as conditions to assure the continued provision and maintenance of the spaces. The Applicant is confident that its proposal represents a vast improvement over the immediately prior, deteriorated condition of the earlier parking lot utilizing the Subject Property. (Please see Exhibit D). The Applicant notes that the present parking

lot proposal is significantly different from that approved by the Board in the 1980s, where the Board chose to impose certain conditions on the Applicant. In the first instance, the Applicant's proposal is to provide a parking lot which is essentially a part of its larger property, and is perceived as such by the users of the lot and neighboring property owners. The lot provides direct access to the Applicant's offices and actually abuts those offices, whereas the earlier lot provided essentially secured parking for overnight parking and some daytime use across Q Street, NE, from the principal use. In that instance, the Board required certain physical improvements be provided at the lot, including installation of a chain link fence, bumper stops, and paving with an impervious surface, and lighting controls. In the present Application, the Applicant has far surpassed these requirements, and is providing the neighborhood with a vastly improved condition at the northeast corner of First and Q Streets, NE.

VII.
Conclusion

For all the reasons set forth above, the Application meets the requirements for special exception approval from §2116 of the Regulations. The Applicant also notes that it has presented its application to Advisory Neighborhood Commission 5C, which has voiced no opposition to the Application. The Applicant also has the support of neighboring property owners.(Please see Exhibit J). The Applicant therefore requests that the Board grant the Application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By _____
Norman M. Glasgow, Jr.

_____
Dennis R. Hughes

2099 Pennsylvania Avenue, NW,
Suite 100
Washington, D.C. 20006
(202) 955-3000

July, 2002

WAS1 #1100837 v3

A

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., April 10, 2002

Plat for Building Permit of SQUARE 3519 LOT 801

Scale: 1 inch = 20 feet Recorded in A & T Book Page 1837

Receipt No. 008032

Furnished to: HOLLAND & KNIGHT

Surveyor, D.C.

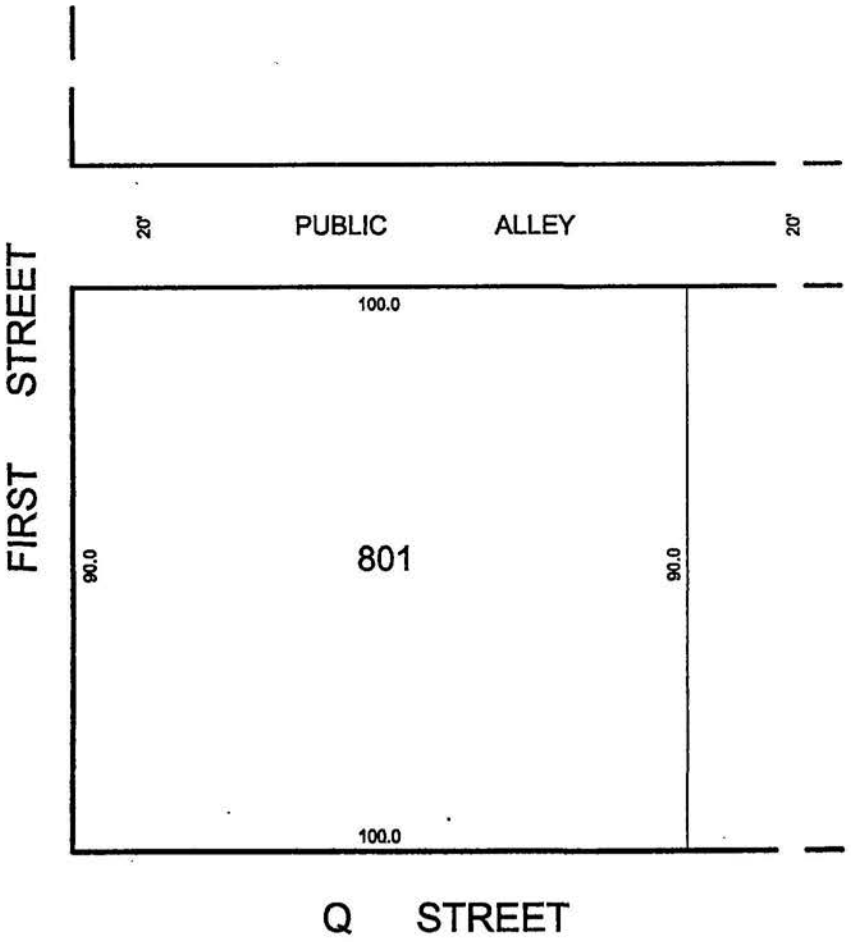
By: L.E.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

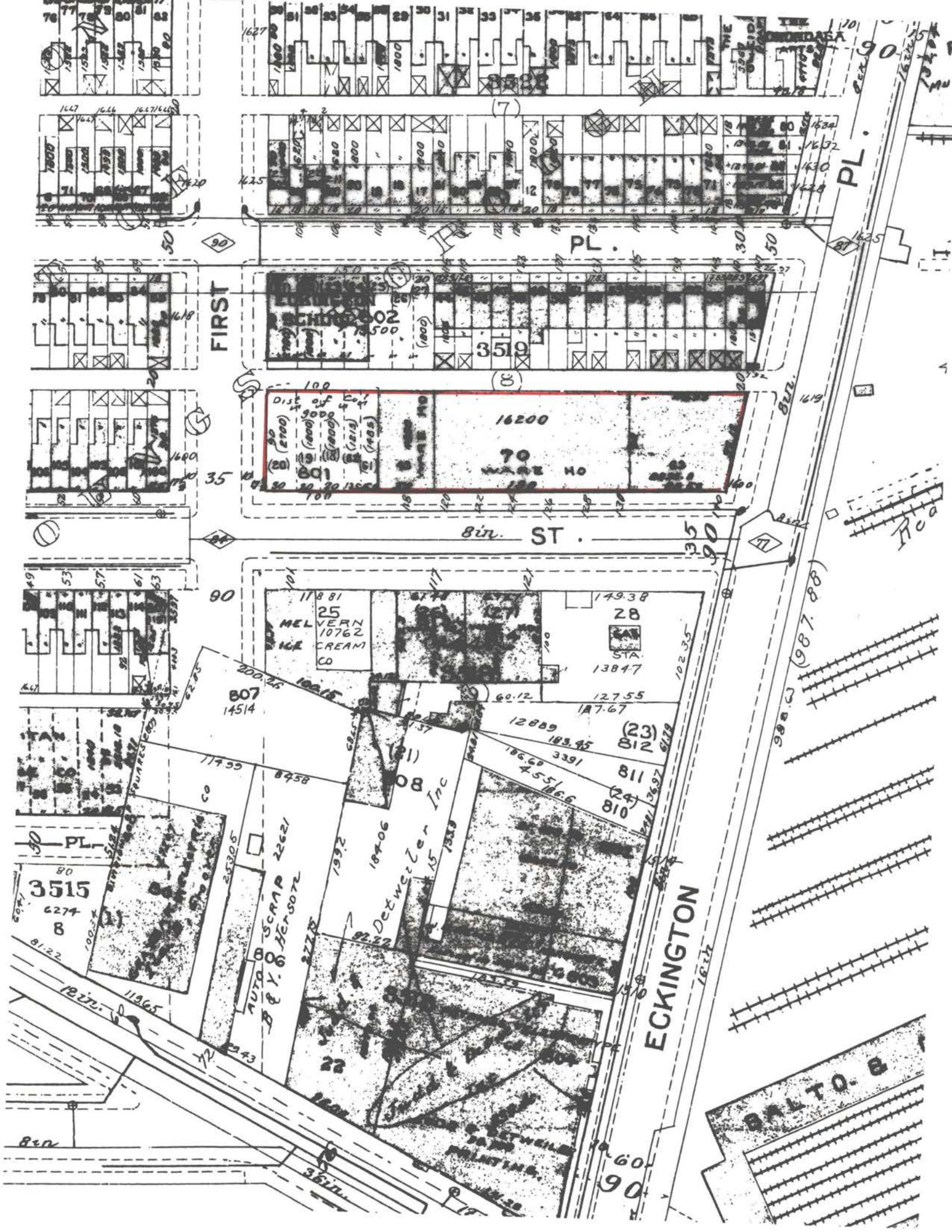
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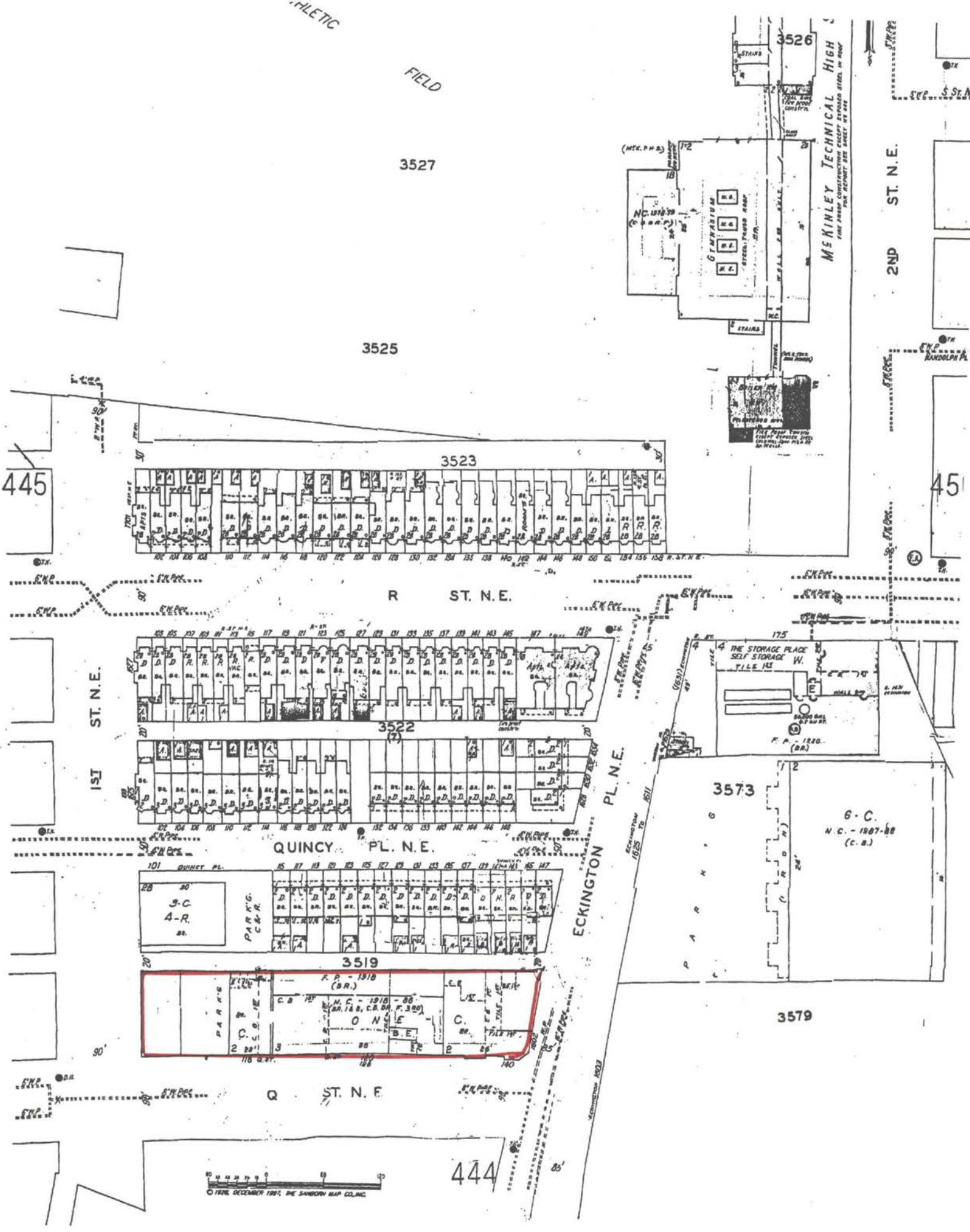
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(Signature of owner or his authorized agent)

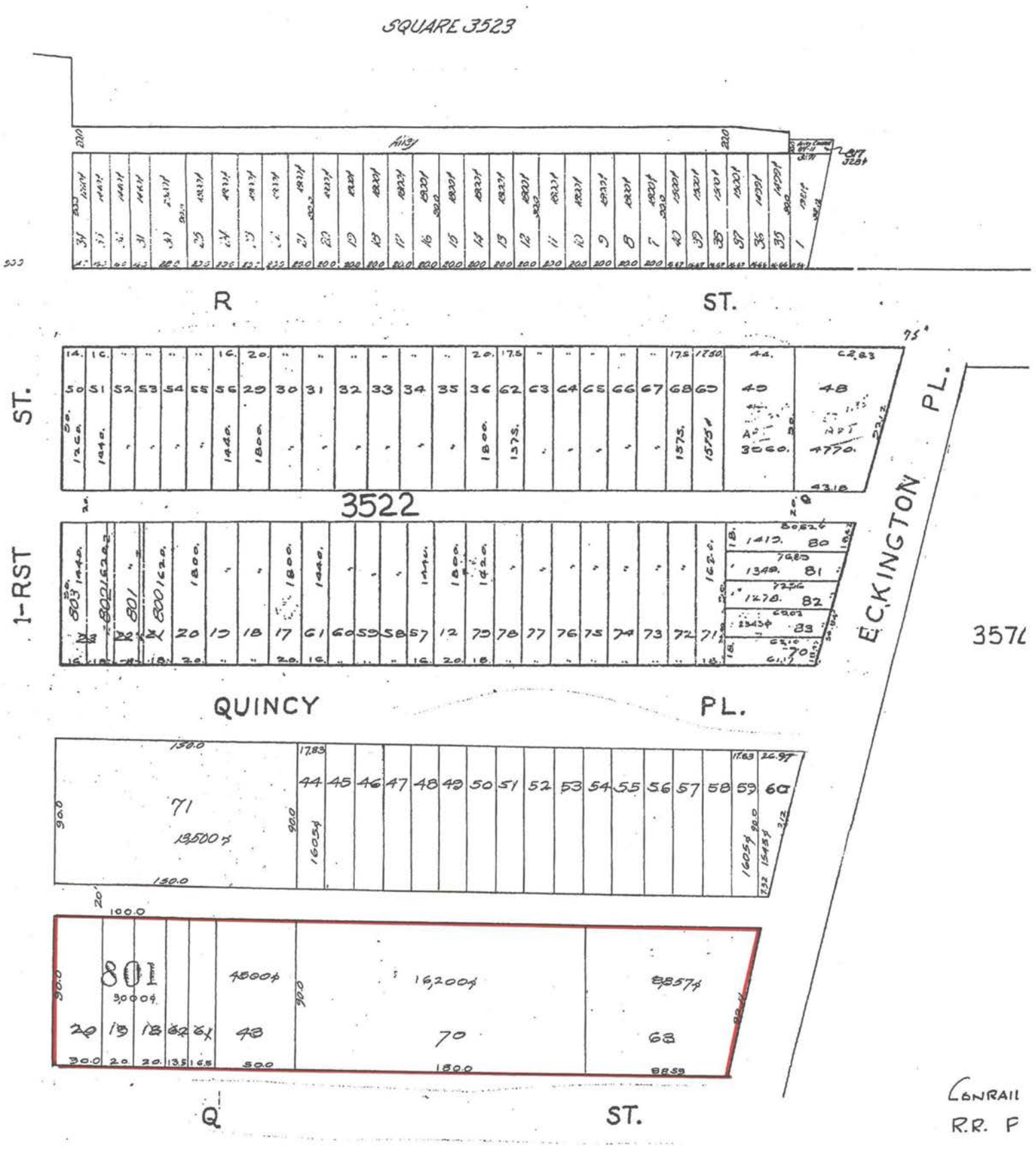
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



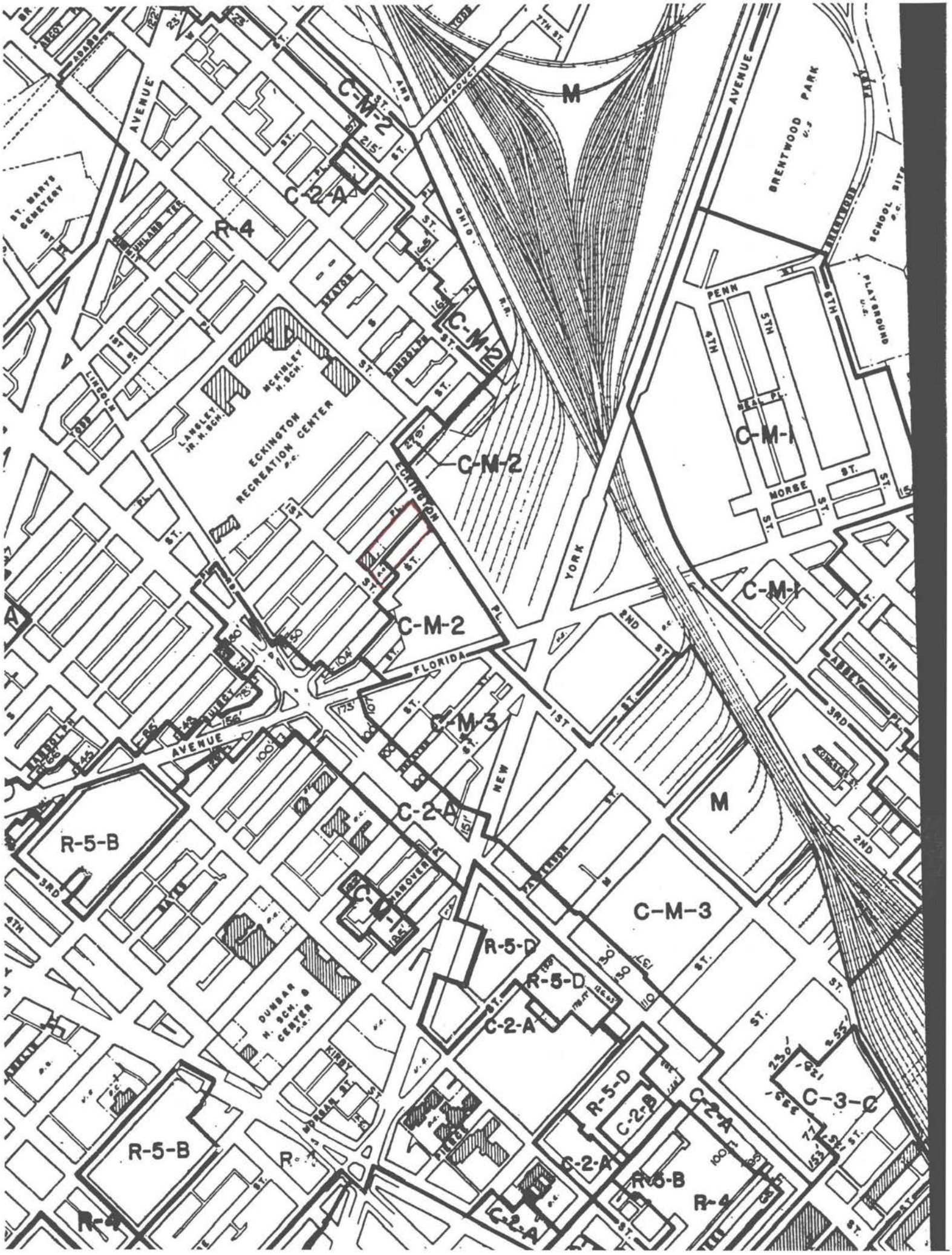



PL.
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MELVERN ICE CREAM CO
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AUTO SCRAP B & Y. Hersotz
Detweiler Inc
ECKINGTON
12th.
8th
36th.
BALTO.


ATHLETIC FIELD
3527
3526
McKINLEY TECHNICAL HIGH
2ND ST. N.E.
GYMNASIUM
STAIRS
3525
3523
445
45
R ST. N.E.
1ST ST. N.E.
3522
THE STORAGE PLACE SELF STORAGE W.
TILE ST
3573
6-C.
N.C. - 1987-88
(C.B.)
QUINCY PL. N.E.
ECKINGTON PL. N.E.
3519
F.P. - 1918
(BR.)
N.C. - 1918 - 88
ONE
3579
Q ST. N.E.
444
© 1928, DECEMBER 1987, THE SANBORN MAP CO.,INC.


SQUARE 3523
ALLEY
R ST.
3522
1-RST ST.
QUINCY PL.
E.CKINGTON PL.
3571
Q ST.
CONRAIL
R.R. P




C-M-2
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ECKINGTON RECREATION CENTER
DUNBAR H. SCH. CENTER
BRENTWOOD PARK
PLAYGROUND
AVENUE
YORK
FLORIDA
NEW
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PL.



"BEFORE" PHOTOGRAPHS

SHOWING

DISREPAIR PRIOR TO APPLICANT'S

PURCHASE AND IMPROVEMENTS








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"AFTER" PHOTOGRAPHS

SHOWING

IMPROVEMENTS BEING UNDERTAKEN BY APPLICANT






LONG FENCE






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OUTLINE OF TESTIMONY
REPRESENTATIVE OF APPLICANT

I. INTRODUCTION

II. OWNERSHIP HISTORY OF SITE

III. DESCRIPTION OF APPLICANT'S PROPERTY

IV. DESCRIPTION OF PROJECT

V. SPECIAL EXCEPTION IS NEEDED

VI. CONCLUSION

F

OUTLINE OF TESTIMONY
STEVEN E. SHER
DIRECTOR OF LAND USE SERVICES
HOLLAND & KNIGHT LLP

I. SITE LOCATION AND DESCRIPTION

II. DESCRIPTION OF SURROUNDING AREA

III. ZONING OF APPLICANT'S PROPERTY: C-M-2/R-4

IV. ZONING OF SUBJECT PROPERTY: R-4

V. PROPOSED PROJECT

VI. RELIEF REQUIRED

A. SPECIAL EXCEPTION FROM §2116, LOCATION OF PARKING SPACES

VII. COMPLIANCE WITH STANDARDS FOR SPECIAL EXCEPTION RELIEF

VIII. CONCLUSION

WAS1 #1101514 v1



GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13841, of the Warner Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to establish a parking lot in an R-4 District at the premises 100 Q Street, N.E. which would be accessory to the building at 101 Q Street, N.E., (Square 3519, Lot 801).

HEARING DATE: October 20, 1982
DECISION DATE: November 3, 1982

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of First and Q Streets, N.E. and is known as premises 100 Q Street, N.E. It is zoned R-4.

2. The subject property consists of 9,000 square feet and is presently vacant. The previsous use of the property was the playground of the Eckington School.

3. Uses surrounding the subject property include the Old Eckington School immediately across the public alley to the north of the site, which is undergoing renovation for residential purposes, warehouse facilities to the east and south, and single family row houses across First Street to the west. The one-hundred block of Q Street is used for C-M-2 uses except for the subject site.

4. The subject property is large enough to accommodate twenty-two nine by nineteen foot parking spaces.

5. The Headquarters building of the Warner Corporation is located immediately across Q Street to the south of the subject property. This branch of the Warner Corporation employs approximately eighty-five to ninety-five persons. The hours of operation are from 6:30 A.M. to 5:15 P.M., Monday through Friday and from 7:30 A.M. to 12:00 noon on Saturday. The Warner Corporation responds to emergency plumbing and heating service calls twenty-four hours a day. When the headquarters office is closed, these emergency calls are directed to employees at their place of residence and do not require the use of vehicles stored at the 101 Q Street site.

6. The applicant presently provides limited parking through public space rental. There are eight unsecured parking spaces provided to the west of the building where

First Street terminates and secured overnight parking spaces for six vehicles are provided in the court area at the front of the building.

7. The applicant proposes to use the subject property to provide secured overnight parking spaces for up to twenty Warner Corporation vehicles, and staggered daytime parking for employees, salesmen, and visitors of the Corporation for as long as the Warner Corporation is located at 101 Q Street, N.E. Parking layout and access will be as shown on Exhibit No. 7 of the record.

8. The subject property is located less than fifty feet from the use that it is intended to serve, immediately to the south across Q Street.

9. Existing parking and traffic conditions in the immediate area are poor due to several key changes which decreased the availability of parking in the area. First, the west side of 1st Street, which formerly permitted all-day parking, now has a two-hour residential restricted parking zone. Second, the north side of Q Street, directly across from the applicant's offices, has been converted to a loading zone for the Washington Roof Products Warehouse. The loading area fronts the entire length of the street and precludes the possibility of on-street parking along the northern side of Q Street except for that connected with the warehouse use. Last, both the north and south sides of Q Street west of 1st Street now are part of a two-hour residentially restricted parking zone.

10. The problem caused by the lack of adequate parking in the area is exacerbated by double-parking on the street. Some of the double-parking problem is due to the applicant's need to move the vehicles which are parked in the court area overnight onto the street until the drivers assigned to those trucks arrive, to allow other vehicles to have access to the loading area and gas pump located in the court. Other double-parking problems are created by patrons of the nearby warehouses. It is the applicant's opinion that approval of the accessory parking lot will eliminate the need to double-park Warner Corporation vehicles.

11. The property was vacant for between one and two years, prior to its purchase by the applicant. The surface of the lot was in a deteriorated condition with weeds growing through the cracks and debris on the lot. The fence surrounding the lot was in poor repair, and the lot was a "hangout" for "undesirables". The applicant has cleared the weeds and debris from the lot but has not begun work to resurface the lot or repair the fence pending the Board's decision on the subject application. The applicant testified that the lot will comply with all provisions of article 74 of the Zoning Regulations and that there will be

no commercial advertising signs as it is for private parking only.

12. Mrs. Bernice Frye, who resides at 1600 First Street, N.E., directly across First Street to the west of the proposed parking lot, appeared in opposition at the public hearing. Mrs. Frye testified that the trucks presently double-park on area streets in the morning and evening, blocking traffic in the area and making it difficult for residents to get their cars out of legitimate parking spaces. Mrs. Frye also testified that the drivers of these vehicles loiter on the streets, drink beer, litter and make noise. Mrs. Frye has called the police several times to have the drivers move their trucks so she could get out of her parking space, but she has never called the Warner Corporation directly regarding these complaints.

13. In rebuttal to Mrs. Frye's testimony, a representative of the applicant tetified that he has never received any complaints regarding behavior as described by Mrs. Frye from the Police Department or area residents. The applicant testified that all Warner Corporation vehicles are identified with the name and telephone number of the Corporation printed on the vehicles so that any problems created by these vehicles or their drivers could have been referred directly to the Corporation. Any Warner Corporation employee responsible for that type of action would be severally reprimanded or dismissed.

14. A representative of the Advisory Neighborhood Commission 5C was present at the public hearing and testified that the ANC took no position on this application. The ANC representative did express some concern regarding the increase in traffic in the alley which will be used as access to the parking lot. The Board is required by statute to give "great weight" to the written issues and concerns of the ANC only if it is the ANC's recommendation and if it is reduced to writing. The Board finds this is not the situation in the subject application.

15. The Office of Planning and Development, by memorandum dated October 13, 1982, recommended that the application be approved. The OPD's recommendation was based on:

(a) The applicant's assertion that the lot will comply with Article 74 of the Zoning Regulations;

(b) The accessory parking lot will not be objectionable to the future development of the neighborhood due to traffic or other objectionable conditions;

(c) The establishment of this accessory parking lot will alleviate the short term commercial on-street

parking in the R-4 area of Q Street west of Frist Street;

(d) The proposed parking will harmonize with the existing warehouse uses in the block and will not interfere with neighboring residential uses because the site location isolates it from the rest of the R-4 District; and,

(e) The use will not have a negative traffic impact but should improve traffic conditions along this portion of Q Street.

The OPD further noted that the subject lot is within fifty feet of the use it is proposed to serve and that there is no better suited available land within a reasonable distance for the proposed use. The Board concurs with OPD's findings.

16. The application was referred to the D.C. Department of Transportation. The DOT did not file a timely report on the subject application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate substantial compliance with Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The accessory parking lot is reasonably necessary and convenient to the use it is proposed to serve. The use of the lot will not result in dangerous or objectionable traffic conditions. There will be no commercial advertising signs on the lot. The lot will comply with the provisions of Article 74.

In addressing the specific concerns of the opposition noted in Finding of Fact No. 12, the Board concludes that the granting of this special exception, as hereinafter conditioned, will remedy those concerns, and improve on-street parking and traffic circulation by providing suitable off-street parking for the applicant.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

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

A. Approval shall be for a period of two years from the date of this Order.

B. An eight foot high chain link fence shall be erected on all open lot lines of the lot. The fence shall contain brown vinyl or wood diagonal strips so as to make the fence generally opaque.

C. The use of the parking lot shall be exclusively for employees, visitors and customers of the Warner Corporation.

D. The parking lot shall be used only for parking of Warner Corporation vehicles from 7:00 P.M. to 6:00 A.M. and shall be locked during those hours.

E. There shall be a maximum of twenty-two parking spaces.

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

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

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

I. 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.

J. 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.

K. 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: 4-1 (Maybelle Taylor Bennett, Connie Fortune, William F. McIntosh and Charles R. Norris to grant; Douglas J. Patton opposed to the Condition of the Motion limiting approval to only TWO YEARS).

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

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

FINAL DATE OF ORDER: JAN 18 1983

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.

13841order/JANE10

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13841, of the Warner Corporation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to establish a parking lot in an R-4 District at the premises 100 Q Street, N.E. which would be accessory to the building at 101 Q Street, N.E., (Square 3519, Lot 801).

HEARING DATE: October 20, 1982
DECISION DATE: November 3, 1982

DISPOSITION: The Board GRANTED the application with CONDITIONS by a vote of 4-1 (Maybelle Taylor Bennett, Connie Fortune, William F. McIntosh and Charles R. Norris to grant; Douglas J. Patton opposed to the Condition of the Motion limiting approval to only TWO YEARS).

FINAL DATE OF ORDER: January 18, 1983

ORDER

The subject application was granted by the Board subject to eleven conditions. Condition "B" of the Order required as follows:

> "B. An eight foot high chain link fence shall be erected on all open lot lines of the lot. The fence shall contain brown vinyl or wood diagonal strips so as to make the fence generally opaque."

By letter dated April 29, 1983, counsel for the applicant requested modification by the Board of this condition and the parking layout plan to permit installation of the wood or vinyl strips only along the First Street frontage of the parking lot and to leave such strips out of the other portions of the fence. The counsel for the applicant contended that the provision of the proposed screening on all sides of the lot will hamper the applicant's ability to provide proper security for the lot by obstructing the lot from view from the applicant's offices located directly across Q Street to the south of the parking lot. In addition, the lot is bounded on two sides by C-M-2 uses which will not be impacted adversely by the absence of the screening treatment on the fence. The residences located across First Street to the west will be shielded by the provision of the screening fence along the

western boundary of the parking lot. The windows in the Old Eckington School building which has been converted to residential use, are located at such a height so as to prevent a fence of the proposed height, with or without the screening treatment, from effectively blocking the view of the parking lot from those windows. There was no opposition to the proposed modification.

Upon reviewing the applicant's motion, the Board's Order, and the record in the subject application, the Board concludes that the modification of Condition "B," as requested by the applicant is a minor deviation from the plan, previously approved by the Board. The Board further concludes that the screening treatment of the fence along the First Street frontage of the parking lot, in conjunction with the other conditions of the Board's Order, adequately addresses its concerns regarding the shielding of nearby residences from adverse impacts associated with the operation of the subject parking lot.

The Board further concludes that there will be no change in the number and location of parking spaces, the hours and conditions of operation of the parking lot. The material facts relied upon by the Board in granting the application are still relevant. Accordingly, it is ORDERED that Condition "B" of the Board's Order dated January 18, 1983 is hereby MODIFIED to read as follows:

B. An eight foot high chain link fence shall be erected on all open lot lines of the lot. The fence along the First Street frontage on the western lot line shall contain brown vinyl or wood diagonal strips so as to make the fence generally opaque.

In all other respects, the Order dated January 18, 1983 shall remain in full force and effect.

DECISION DATE: June 11, 1983

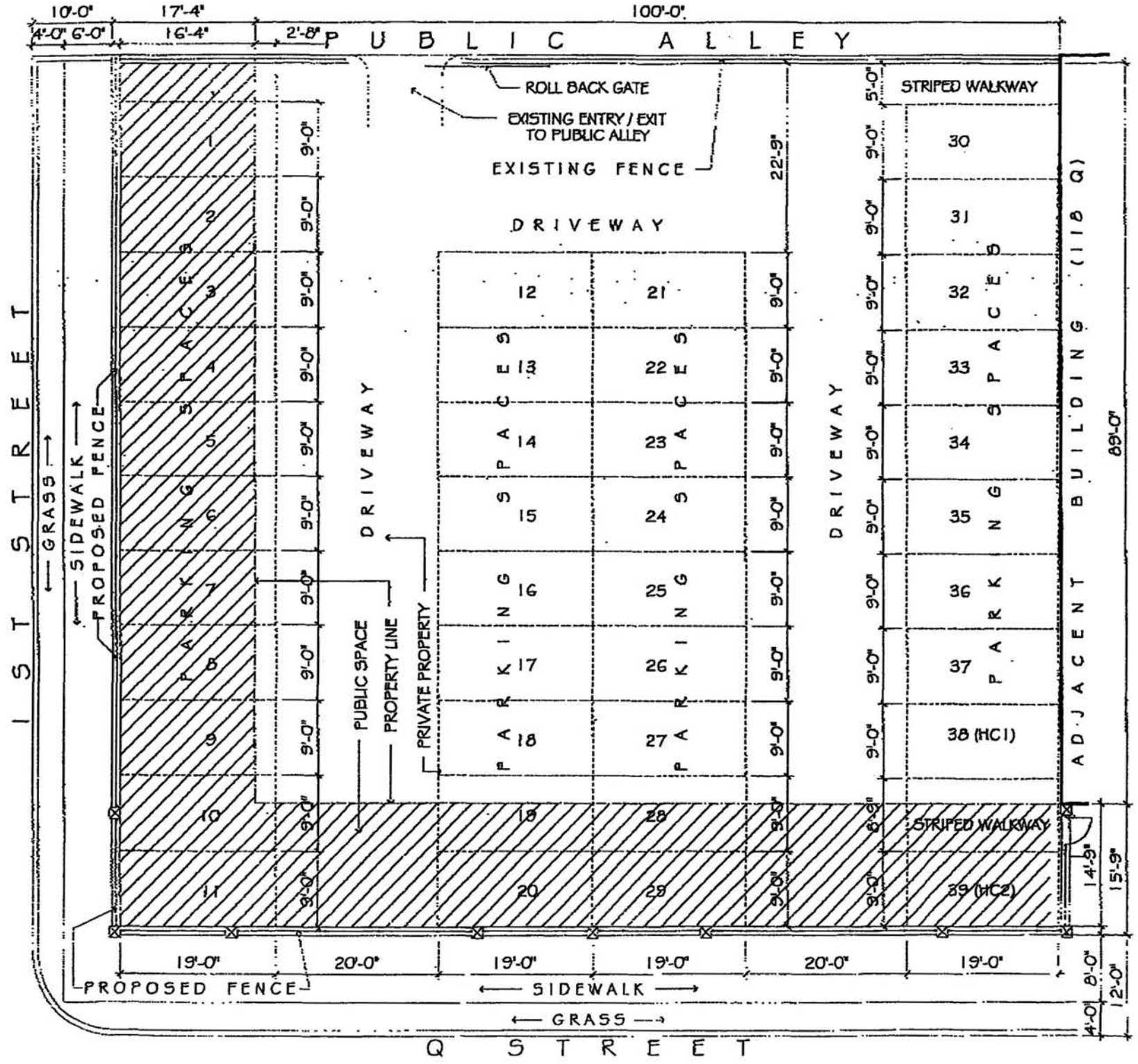
VOTE: 4-0 (Maybelle Taylor Bennett, Douglas J. Patton, William F. McIntosh and Charles R. Norris to grant modification; Carrie Thornhill not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: JUN 28 1983

H


10'-0"
17'-4"
100'-0"
4'-0"
6'-0"
16'-4"
2'-8"
PUBLIC ALLEY
ROLL BACK GATE
EXISTING ENTRY / EXIT TO PUBLIC ALLEY
EXISTING FENCE
STRIPED WALKWAY
DRIVEWAY
DRIVEWAY
DRIVEWAY
1ST STREET
GRASS
SIDEWALK
PROPOSED FENCE
PUBLIC SPACE
PROPERTY LINE
PRIVATE PROPERTY
PARKING SPACES 1 2 3 4 5 6 7 8 9 10 11
PARKING SPACES 12 13 14 15 16 17 18
PARKING SPACES 21 22 23 24 25 26 27
PARKING SPACES 28 29
PARKING SPACES 30 31 32 33 34 35 36 37 38 (HC1) 39 (HC2)
ADJACENT BUILDING (118 Q)
89'-0"
22'-9"
9'-0"
5'-0"
14'-9"
15'-9"
19'-0"
20'-0"
19'-0"
19'-0"
20'-0"
19'-0"
PROPOSED FENCE
SIDEWALK
GRASS
8'-0"
12'-0"
4'-0"
Q STREET



TO: LOU WILLIAMS
FR: PAUL COX
ADVAC-1600

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO: B431831

PERMIT

Date 7/13/01 (Type) FENCE

Address of work 118,120 & 140 Q ST NE

Lot 0801 Square 3519

Permission is hereby granted to BERNSTEIN MGT (Owner)

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

NO.

TOTAL PERMIT FEE $

FILING FEE $

DATE

FEE PAYABLE $ 25.00

Authorized work and conditions of performance thereof:

FOR INSPECTIONS CALL [redacted] 442-4641

REPALCE EXISTING CHAIN LINK FENCE W/BLACK WROUGHT IRON FENCE WITH NEW PARKING LIGHT FIXTURES.

Builder—

Value $

No. of Bldgs.

Width of Bldgs.

Length

Height

No. of Stories 2

Zone

To be occupied as OFFICE

Height of terrace above grade

Projections:

Address of owner 5301 WISC AVE NW

Deposit No.

Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Chief, Permit Issuance Branch

By

Permit Clerk

D CLARK 32301

DIRECTOR

1000 ADVAC

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BLRA-12
(Rev. 11/01)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

PERMIT

PUBLIC SPACE PERMIT

U.C. NO.
PERMIT NO. P600605

Date 12/21/01 (Type) RETAINING WALL

Address of work 118-120-140 Q ST N.E. Lot 43 Square 3519

Permission is hereby granted to:
BERNSTEIN MGT.

PERMIT FEE $ 19.00

to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

REPAIR & REPLACE RETAINTING WALL AROUND PARKING LOT AS REQUIRED. ACCORDANCE TO D.C. STANDARDS AND REQUIRMENTS. THIS PERMIT IS REVOCABLE AT ANYTIME AT THE DISCRETION OF THE TRANSPORTATION DEPARTMENT, DC. POLICE DEPARTMENT, I & I DIV OR DDOT.

O.H. Drawing No. Cut No.
Job No.

THIS PERMIT EXPIRES: 3/21/02
PUBLIC SPACE OFFICE
SURFACE 442-4670. SUBSURFACE 535-2209

D. CLARK
DIRECTOR

32702

Chief, Permit Issuance Branch

By: PERMIT CLERK

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B443600

PERMIT

Date 3/20/02 (Type) MISC.
Address of work 100 Q st. n.e.
Lot 801 Square 3519
TOTAL PERMIT FEE $
FILING FEE $
DATE
FEE PAYABLE $ 25.00
FOR INSPECTIONS CALL 727-7562

Permission is hereby granted to
BDC Q ST, LLC (Owner)
who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit. NO.

Authorized work and conditions of performance thereof:

TEMP. CONSTRUCTION FENCE ON CONCRETE BLOCKS--FOR SAFETY. WILL BE PLACED ON INSIDE OF RET. WALL ON PARKING LOT.
THIS PERMIT DOES NOT AUTHORIZE CROSSING PUBLIC SIDEWALK WITH TRUCKS.

Builder— Value $ No. of Bldgs.
Width of Bldgs. Length Height No. of Stories
Zone To be occupied as
Height of terrace above grade Projections:
Address of owner 5301 WISC. AVE. N.W.
Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
D. CLARK
DIRECTOR

Chief, Permit Issuance Branch
By D. MINOR
Permit Clerk

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BLRA-12
(Rev. 11/01)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

PUBLIC SPACE PERMIT

U.C. NO.
PERMIT NO. P602282

PERMIT

Date 3/20/02 (Type) FENCE
Address of work 100 Q STREET NE.
Lot 801 Square 3519
PERMIT FEE $ 19.00

Permission is hereby granted to:
BDC Q STREET, LLC
to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

ERECT TEMPORARY CONSTRUCTION FENCE ON BLOCKS - FOR SAFETY WILL BE PLACED ON INSIDE OF RETAINING WALL ON PARKING LOT. FENCE LOCATED ON Q ST OFF FIRST ST. NE.
THIS PERMIT DOES NOT AUTHORIZE CROSSING PUBLIC SIDEWALK WITH TRUCKS.
THIS PERMIT IS REVOCABLE AT ANYTIME AT THE DISCRETION OF THE TRANSPORTATION DEPT. D.C. POLICE DEPARTMENT, DDOT, OR I & I.

O.H. Drawing No. Cut No.
Job No.
THIS PERMIT EXPIRES: 4/19/02
PUBLIC SPACE OFFICE
SURFACE 442-4670 SUBSURFACE 535-2209

D. CLARK
DIRECTOR

32702

Chief, Permit Issuance Branch
By
PERMIT CLERK

ل

June 17, 2002

Advisory Neighborhood Commission
and
Board of Zoning Adjustment

RE: Special Exception for Parking at 100 Q Street, NE

To Whom It May Concern:

I am Earl Washington, the proprietor of the Quincy Market at 114 Quincy Place, NE.

I support the application of the owner, BDC Q Street LLC, for the special exception for parking at 100 Q Street to support the buildings at 118, 120 and 140 Q Street, NE.

The owner's rehabilitation of the buildings and surrounding area in the past year has greatly improved the appearance of the property and helped beautify the area. Their efforts with the project have been very good for the area, and a benefit to everyone.

Most importantly, however, this special exception will help reduce the need for on-street parking.

Finally, I have spoken with many residents in the area who come to my store, and I believe there is widespread community support for this project.

Very truly yours,

Earl Washington