GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: JLS for Andrew Altman
Director

DATE: December 27, 2002

SUBJECT: Amendment to Supplemental Report (October 21, 2002)

RECOMMENDATION: OP recommends denial of the application.

This report is in response to the Board's request for the conditions proposed by the applicant. Specifically, the reference to the applicant's conditions in OP's supplemental report was made as follows:

5) A list of conditions is submitted but there is no detail of how these conditions will be implemented or enforced.

The Office of Planning's response was based on the submission of five (5) conditions proposed by the applicant as part of the Neighborhood Cooperation Agreement, and referred to in Mr. Lindsay's submission on behalf of the applicant, to OP and the Board (page 14, submission attached) as follows:

1. *The gallery agrees that it will operate the gallery and residential portions of the property in such a way that it will not have a negative impact on the neighborhood.*

2. *When the Gallery participates in walks or other joint gallery showings, or when it sponsors Gallery openings to which the general public is invited, no alcohol will be served. These shall be limited to 12 per year. Gallery events limited to personal invitation will not serve alcoholic beverages except wine and beer. Events will end at 11:00 pm.*

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CASE NO.16920
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3. *Security lighting will be sufficient to provide reasonable security but will be directed away from neighboring windows. Those lights not directed at the building will utilize low glare lights.*

4. *Tenants shall adhere to all security rules adopted by the Gallery. Moreover, noise and lights shall not be permitted to intrude on the neighborhood in a negative fashion.*

5. *The Gallery will encourage Metro use by noting, in its advertisements and invitations, the proximity of the Metro Station at Q Street and Connecticut Avenue. It will also encourage guests to use public parking facilities.*

OP does not believe that these conditions address the adverse impacts of the gallery in addition to the erosion of the neighborhood's residential character. OP continues to recommend denial.