GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: September 16, 2003

SUBJECT: BZA Application – **17070**
Meridian International Center

APPLICATION

Pursuant to 11 DCMR 3104.1, under Section 214, the applicant, Meridian International Center requests a modification of BZA Order #5802 dated February 24, 1960, which allowed accessory parking on a surface lot in an R-5-B Zone District. The lot at 17th and Belmont Streets is located in Square 2567, Lot 850 and serves the Meridian International Center, located at 1630 Crescent Place, N.W.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends approval of the requested modification to Order # 5802, as follows:

e) Appellant shall erect a 12 inch thick, 42" high brick wall with coping on top along the 17th Street frontage of this parking area with two openings therein. Square brick posts shall be provided at each of the two openings. **Said wall shall be maintained so long as the parking area is used exclusively for surface parking.**

f) The parking spaces authorized under the terms of this Order are required parking spaces which will require the owner of the land upon which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors in title, which requires ~~that the area approved for required off-street~~ **at least 38** parking **spaces** shall be reserved ~~exclusively~~ **on site** for that purpose so long as the improvements to be served is existing or so long as said accessory off-street parking is required by the Zoning Regulations.

g) Meridian would buy or lease 40 off-street parking spaces during the project construction period. The construction period is defined as the period lasting from

BZA
Case No. 17070
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17070
EXHIBIT NO. 26

the first day the parking spaces located on the existing lot are made inaccessible by construction, to the date Meridian takes possession and is able to use the 39 parking spaces to be built as part of the residential project on the property.

h) Meridian would utilize an attendant, on an as needed basis, to maximize the use of parking space on its property located at 1630 Crescent Place, known as the east parking lot, to achieve the full capacity of 50 spaces for events.

BACKGROUND

The subject parking lot is located in Square 2567. Square 2567 is bounded by Kalorama Road to the north, Florida Avenue to the south, Ontario Road to the west and Belmont and 16th Streets to the east. The parking lot is in the R-5-B Zone District and is separated from the Center by 17th and Belmont Streets. A wooded area buffers the parking lot from residential properties at the rear of the lot.



The subject property has been used as a parking lot for forty-two years, with the first recorded Board approval issued in 1960, by Order No. 5802, which allowed the lot to be used as an accessory parking lot for the Meridian International Center. The most recent Certificate of Occupancy (1992) for the Center describes it as a Private School for Adults.

Meridian International Center is comprised of the Meridian House and its neighbor, the White-Meyer House. Adjacent to each other and surrounded by gardens, the two houses

form a city block of historic and architectural interest. Both houses are listed on the National Register of Historic Places.

For over 40 years, the Center's programs have involved designing and organizing professional exchanges, short-term training, and technical assistance programs throughout the United States for international professionals. The Cafritz Galleries at the Center serve as Meridian's primary exhibition space and both houses are used as venues for conferences, receptions and dinners. According to information provided on its website, the Center's capacities provide standing reception space for 300 people or 200 seats with dancing. Use of the garden, which may be tented, increases capacity considerably. The Center has approximately 100 employees. The number of events varies throughout the year.

PROJECT PROPOSAL

Crescent Place, LLC wishes to develop a luxury residential 30-unit condominium building with approximately 100 below-grade parking spaces on the current surface parking lot used by the Center. The current parking lot provides 38 spaces for the Center, and future below-grade parking would allot 39 spaces for the Center's use. While proposed development of the lot is a matter-of-right, the original Order details a covenant agreement, requiring that "the area provided for off-street parking for the Center be reserved exclusively for that purpose…so long as said accessory off-street parking is required by the Zoning Regulations."

The conditions imposed by the Board in 1960 were to assure that the lot was operated and maintained to be in harmony with the general intent and purpose of the Zoning Regulations. The applicant is requesting a modification to these conditions, which would reflect the change in condition of the lot due to the proposed development of condominium residences with underground parking. As such, the wall referred to in condition (e) of the Order would not be required, and the covenant would refer generally to on-site parking with at least 38 spaces. The requested changes in the conditions are as follows:

e) Appellant shall erect a 12 inch thick, 42" high brick wall with coping on top along the 17th Street frontage of this parking area with two openings therein. Square brick posts shall be provided at each of the two openings. **Said wall shall be maintained so long as the parking area is used exclusively for surface parking.**

f) The parking spaces authorized under the terms of this Order are required parking spaces which will require the owner of the land upon which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors in title, which requires ~~that the area approved for required off-street~~ **at least 38** parking **spaces** shall be reserved ~~exclusively~~ **on site** for that purpose so long as the improvements to be served is existing or so long as said accessory off-street parking is required by the Zoning Regulations.

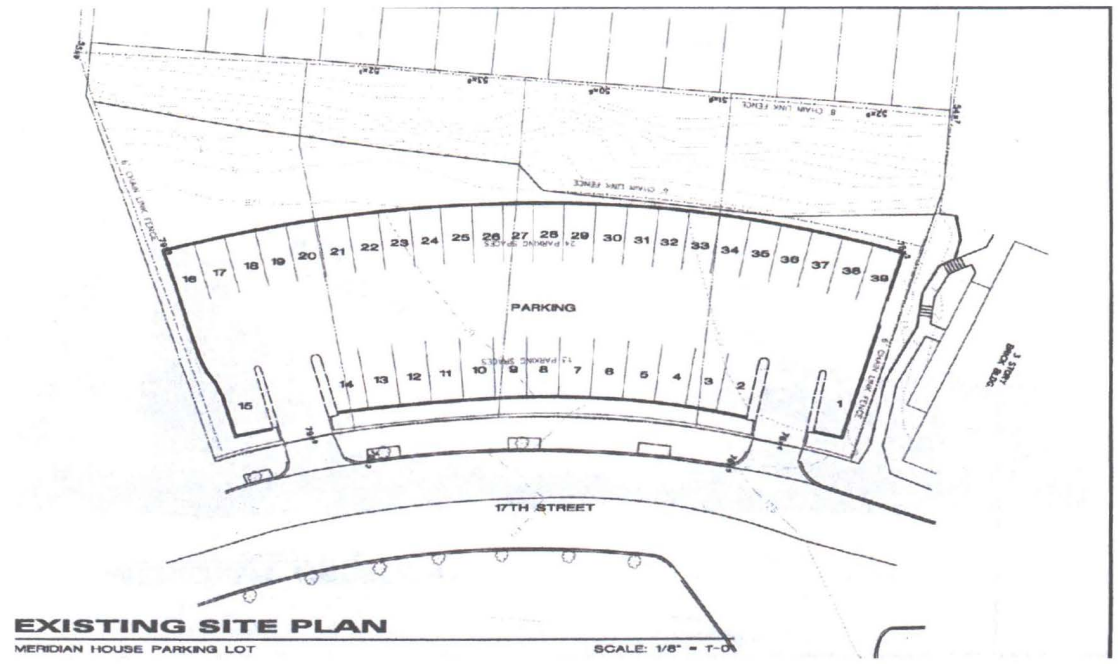
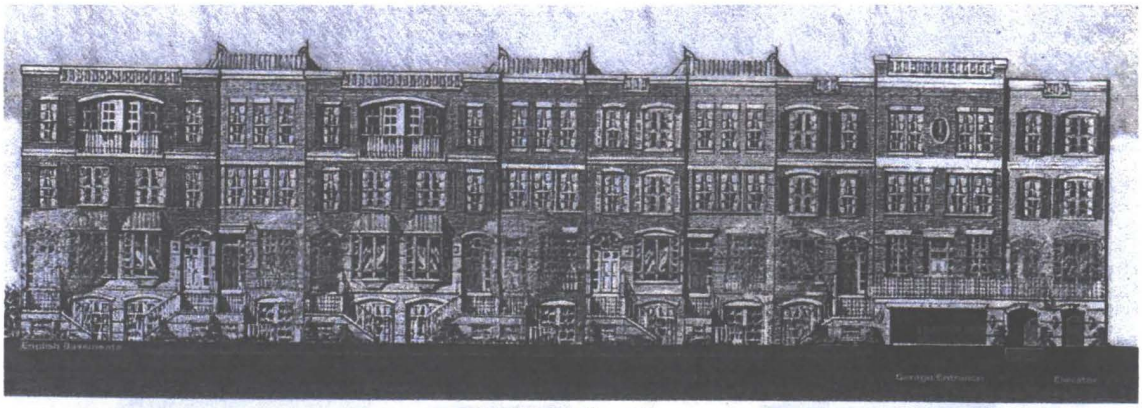


Figure 1



Proposed Site Plan

Figure 2

ZONING REQUIREMENTS

Since neighborhood conditions have evolved since 1960, and physical development of the lot would result in the relocation of the parking lot below-grade of a matter-of-right development, these changes must comply with current Zoning Regulations, including §214, which regulates accessory parking in residential Zone Districts. Based on the applicant's submission and a review of the previous decision by the Board, OP believes that the below grade lot meets the requirements of Section 214 of the Zoning Regulations, including:

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

39 parking spaces will be allotted to the Center and according to submitted schematic drawings, no portion of the proposed below grade parking lot, except for its access, extends above grade.

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

The proposed parking area would be located within 200 feet of the Meridian International Center.

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

While the lot is located directly opposite the property, to which it is accessory, it has been previously approved by the Board and has been in operation since 1960.

§ 214.5 – Provisions of Chapter 23

This section is not applicable since the proposed parking will no longer be an above grade lot. However, as part of the matter-of right development, the proposed below grade parking would have to meet all applicable agencies' requirements.

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

- **(a) Strip zoning or shallow depth.**
- **(b) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;**
- **(c) Unusual topography grades, shape, size or dimensions of the lot;**
- **(d) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or**
- **(e) Traffic hazards caused by unusual street grades or other conditions.**

In its previous decision, the Board found that it was not practical to locate parking on the same lot as the Center, due to the unusual topography and lack of appropriate ingress and egress to the site. Parking is also not required on site, since it is a historic property recorded by the National Register of Historic Places. Placing permanent parking on site would alter the grounds and landscaped gardens, which contribute to the historic character of the properties at 1630 Crescent Place.

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

The lack of available parking spaces in the immediate neighborhood makes the parking lot necessary for the Center's activities. The proposed below grade location of the lot minimizes objectionable conditions related to parking on a surface lot, including noise, traffic and debris.

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

OP contacted DDOT about the applicant's proposal to relocate the parking lot below grade, thereby adjusting the conditions of its original BZA Order. DDOT had no concerns about negative impacts of below-grade parking on the neighborhood, unless additional curb cuts were created for the matter-of-right development. Therefore, no objection was posed to the proposed modification of the Order.

For the BZA to grant the special exception the request must demonstrate conformance with the following requirements:

Can the requested special exceptions be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map?

The applicant wishes to modify the Order to reflect the proposed change in the parking location by including a reference that the required 42" wall be only necessary for a surface parking lot. Therefore, the applicant proposes to include the following to condition (e) of the original Order:

"Said wall shall be maintained so long as the parking area is used exclusively for surface parking."

The wall's presence was intended to reduce the negative visual impact of the asphalt lot on the neighborhood and provided some security to the lot. However, if the surface lot ceases to exist solely for parking above grade, then the matter-of-right development need not be constrained by the wall's retention. Therefore, the 42" wall will not be a necessary condition of the lot's operation, since the parking will now be located below-grade.

There is no reason to expect the continuation of parking below grade, absent the 42" wall at the front of the proposed condominium building, to result in inconsistencies with the general purpose and intent of the Zoning Regulations and Zoning Map.

Similarly, the modification of condition (f) seeks to maintain the condition of the requirement of 38 spaces on site, regardless if the spaces are above or below grade. The subject site has been Board approved for parking purposes for forty years. The

applicant's special exception request anticipates using the new below grade parking lot in the same manner.

Will the granting of a special exception tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map?

According to submitted plans, the new parking area for the Center would be contained entirely below grade of the proposed condominium. The existing area of green space, separating the surface lot from abutting residential properties, would remain as a buffer between those properties and the matter-of-right development. The requested modifications do not change the material facts concerning the operation of the lot in the neighborhood. Although neighborhood conditions have changed since the lot has been in existence, OP has no information, that parking for the Center's events have a negative impact on the use of neighboring properties. As such, there should be no adverse effects on the use of neighboring properties in accordance with the Zoning Regulations and Map.

COMMUNITY COMMENTS

ANC 1C met on September 3, 2003 and agreed to support Meridian's application to modify conditions of BZA Order # 5802. OP understands that the applicant and the ANC have drafted a Memorandum of Understanding (MOU), including the regulation of construction activity on the property, the modification of the Order and the temporary transfer of the 38 spaces currently used by Meridian to another location during construction. The 38 spaces would be temporarily located on the premises of the Center at the east parking lot. This area would be re-striped for 50 spaces and Meridian would provide an attendant(s) and valet parking either on the property or at an off-site location (Draft MOU attached).

RECOMMENDATION

The Office of Planning concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3104, Section 214 for a special exception, to permit the modification of the original Board approved Order # 5802, which would remove constraints on the site imposed by the previous order as it related to a surface lot and to allow the 38 spaces to remain on-site, even though parking will be below-grade. Based on the information provided by the applicant, OP believes that granting these modifications would not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

Conditions between the applicant and the ANC have been negotiated which are outlined in a Memorandum of Understanding. OP has no information of any violations of the existing Order, which may prevent continued on-site parking . However, recognizing the

community's concerns to minimize the adverse parking impact on the neighborhood due to the temporary loss of event parking spaces during construction, OP recommends approval of the Order's modifications, subject to conditions 1 and 2 outlined in the Draft MOU between the applicant and ANC 1C as follows:

e) Appellant shall erect a 12 inch thick, 42" high brick wall with coping on top along the 17th Street frontage of this parking area with two openings therein. Square brick posts shall be provided at each of the two openings. **Said wall shall be maintained so long as the parking area is used exclusively for surface parking.**

f) The parking spaces authorized under the terms of this Order are required parking spaces which will require the owner of the land upon which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors in title, which requires ~~that the area approved for required off-street~~ **at least 38** parking **spaces** shall be reserved ~~exclusively~~ **on site** for that purpose so long as the improvements to be served is existing or so long as said accessory off-street parking is required by the Zoning Regulations.

g) Meridian would buy or lease 40 off-street parking spaces during the project construction period. The construction period is defined as the period lasting from the first day the parking spaces located on the existing lot are made inaccessible by construction, to the date Meridian takes possession and is able to use the 39 parking spaces to be built as part of the residential project on the property.

h) Meridian would utilize an attendant, on an as needed basis, to maximize the use of parking space on its property located at 1630 Crescent Place, known as the east parking lot, to achieve the full capacity of 50 spaces for events.

Mr. Sloan:

I move that the following Order be entered:

ORDERED:

That the appeal of Gertrude Louise Isabel Laughlin Chanler to establish a private school, known as the Washington International Center at 1630 Crescent Place N.W., lot 807, square 2568, and to provide automobile parking on lots 811, 834, 838 and 839, square 2567 at 17th and Belmont Streets, N.W., accessory to the proposed Center, be granted for the following reasons and subject to the conditions hereinafter set forth:

(1) As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds that the location of this Center is not likely to become objectionable to adjoining and nearby propert because of noise, traffic, number of students, other otherwise objectionable conditions, and that the use will be reasonably necessary or convenient to the neighborhood which it is proposed to serve.

In making the above findings the Board has taken into consideration the fact that the Center will attract adults most of whom will be brought to the Center by private car or public transportation, thereby creating very little demand for off-street parking. The parking area, subject of this appeal, can accommodate about 240 students whereas the average will be from 60 to 75 at any one time. Hours of operation will be from 9:00 a. m. to 5:00 p.m. Monday to Friday, and on certain evenings from 5:00 p. m. to 10:30 p. m. and Saturday from 9:00 p. m. until midnight.

(2) The Board finds that it is not practicable to locate the parking on the same lot as the structure it is intended to serve because of the unusual topography and lack of appropriate ingress and egress to the site. We find that the parking area is so located as to furnish reasonable and convenient parking facilities for the occupants and guests of the structure for which they are designed to serve being directly across 17th Street from the Center building.

(3) The Department of Highways and Traffic offers no objection to the granting of this parking lot.

This Order shall be subject to the following:

(a) The number of dances to be held at the subject property shall be limited to the number normally scheduled by colleges and universities. Appellant shall bring this case to the attention of the Board of Zoning Adjustment one year after the date on which it occupies the subject property in order to permit the Board to consider the actual night activities of the appellant. The Board reserves the right to modify this order with respect to night activities if it finds after a trial period of one year that such activities are not consonant with the residential character of the neighborhood.

(b) All areas devoted to driveway, access lanes, and parking areas on this lot shall be paved with materials which form an all-weather impervious surface.

(c) The parking lot shall be so designed that no vehicle or any part thereof shall project over any lot or building line.

(d) Any lighting if required for night use shall meet the requirements of the District of Columbia Electrical Code.

(e) Appellant shall erect a 12 inch thick, 42" high brick wall with coping on top along the 17th Street frontage of this parking area with two openings therein. Square brick posts shall be provided at each end of the two openings.

(f) The parking spaces authorized under the terms of this Order are required parking spaces which will require the owner of the land upon which such parking is to be located to agree to become a party to a covenant with the District of Columbia to run with the land and to be binding upon him and his successors intitle, which requires that the area approved for required off-street parking shall be reserved exclusively for that purpose so long as the improvements to be served is existing or so long as said accessory off-street parking is required by the Zoning Regulations.

Mr. Schwab: I second the motion. Motion unanimously carried.

Occupancy permit shall not issue until all conditions of this Order are met and complied with. Further, the Board reserves the right to direct revocation of the occupancy permit upon a proper showing tha any terms or conditions of this Order have been violated.

MERIDIAN PARKING MO
FINAL DRAFT

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is entered into as of this ____ day of September 2003 by and between the undersigned Parties.

WITNESSETH:

WHEREAS, the Parties hereto, Meridian International Center ("**Meridian**") and Advisory Neighborhood Commission 1C ("**ANC 1C**"), hereby seek to memorialize their understanding regarding the parking arrangements during construction activity on the property located at 17th and Belmont Streets, N.W., Washington, D.C., known as Lot 850 in Square 2567 (the "**Property**"); and

WHEREAS, Meridian seeks a modification of Board of Zoning Adjustment ("BZA") Order. No. 5802 in order to permit residential development on the Property, in addition to the parking spaces that are currently required on the Property pursuant to BZA Order No. 5802; and

WHEREAS, Meridian will temporarily transfer the 38 parking spaces currently used by Meridian on the Property to another location during construction activity on the Property; and

WHEREAS, after the construction of a luxury residential condominium building on the Property, Meridian will own and have exclusive control over 39 parking spaces in the building on the Property; and

WHEREAS, ANC 1C seeks to encourage the development of the Property and manage parking impacts during construction activity on the Property so as to protect and enhance the residential quality of the area; and

WHEREAS, the Parties enter into this MEMORANDUM OF UNDERSTANDING (the "**MOU**") to confirm understandings and agreements between them concerning the parking arrangements during construction on the Property and the continued use of parking spaces on the Property by Meridian after development on the Property is completed.

NOW, THEREFORE, in consideration of the foregoing recitals (which are a material part hereof) and in consideration of the mutual promises of the parties hereto and of other good and valuable consideration, it is agreed as follows:

1. **Leased parking spaces during construction**. Meridian hereby agrees to buy or lease 40 off-street parking spaces during the Project construction period. The construction period is defined as the period lasting from the first day the parking spaces located on the Property are made inaccessible by construction, to the date that Meridian takes possession and is able to use the 39 parking spaces to be built as part of the residential project on the Property.

2. **Efficient use of parking lot on Meridian property**. Meridian hereby agrees to utilize an attendant, on an as needed basis, to maximize the use of parking space on its property located at 1630 Crescent Place, known as the east parking lot, to achieve a full capacity of 50 spaces. Further, Meridian hereby agrees to open and utilize the east parking lot whenever events are held.

3. **Valet parking practice**. Meridian hereby agrees that whenever valet parking is utilized, the vehicles will be parked by the valet attendants either on Meridian property or at an off-site location. Meridian hereby agrees to make every effort to insure that valet attendants comply with the valet parking provisions of D.C. Official Code § 47-796.

4. **Valet parking – staffing**. Meridian hereby agrees they will utilize a reasonable amount of valet parking attendants pursuant to the size of the event requiring valet parking

service, especially with the goal of avoiding the backup of guest vehicles on the street awaiting valet service.

5. **Directing guests to parking**. Meridian hereby agrees to actively direct and encourage to utilize the provided off-street parking, through the direction of personnel and the use of signs, invitation directions, program notices, and website notices.

6. **Support for Residential Permit Parking.** Meridian hereby agrees to support the efforts of the residents of Crescent Place and Belmont Road to designate one-half of the total spaces of street parking contained on the north side of Belmont Road, N.W., and the south side of Crescent Place, N.W., which adjoin their property, as residential permit parking. The areas to be designated as residential permit parking, which will yield approximately 28 residential permit parking spaces, are as follows:

a. Starting at 16th Street, N.W., west on north side of Belmont Street, N.W., continuing through to the second fire hydrant located on the north side of Belmont Street, N.W.; and

b. Starting at 16th Street, N.W., west on the south side of Crescent Place, N.W., continuing through to the first fire hydrant on the south side of Crescent Place, N.W.

7. **Utilization of Attendant at Crescent Project Garage.** Meridian hereby agrees to utilize an attendant to provide access to the Crescent garage during those times the garage will be utilized for events at the Center.

8. **Support for the Modification of BZA Order No. 5802.** Subject to the provisions of this MOU, ANC 1C will support Meridian's application to modify the conditions of BZA Order No. 5802, in writing and by testimony, at the BZA Public Hearing on September 30, 2003.

9. **Counterparts.** This MOU may be executed in counterparts and via original or facsimile signature.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Understanding as of the day and year _____ day of September, 2003.

_____
Meridian International Center

_____
Advisory Neighborhood Commission 1C