GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 17070 of Meridian International Center, (the "applicant") pursuant to 11 DCMR § 3104.2, under Section 214 to modify Conditions (e) and (f) of BZA Order No. 5802, dated February 24, 1960, to allow accessory parking for the building located at 1630 Crescent Place, N.W. (Square 2568, Lot 809) to be relocated from the surface to two levels of underground garage in new development permitted on the subject property as a matter of right in the R-5-B District at premises located at 17th and Belmont Streets, N.W. (Square 2567, Lot 850) (the "Application").

HEARING DATE: September 30, 2003
DECISION DATE: October 14, 2003

DECISION AND ORDER

On October 14, 2003, the Board of Zoning Adjustment voted to grant the above application for the reasons stated below.

PRELIMINARY MATTERS

Self-certification The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

Notice of Public Hearing The Board of Zoning Adjustment (the Board) scheduled a hearing for September 30, 2003. Pursuant to 11 DCMR 3113.3, notice of the hearing was sent to the applicant, all owners of property within 200 feet of the subject site, the Advisory Neighborhood Commission (ANC) 1C, and the District of Columbia Office of Planning (OP). The applicant posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect.

ANC 1C The subject site is located within the jurisdiction of ANC 1C, which is automatically a party to this application. Although not required to do so under applicable law, the applicant met with ANC representatives, resulting in the development of a Memorandum of Understanding between the ANC and Meridian International Center (the "Meridian MOU"). The Meridian MOU encompasses a number of different issues, all designed to address parking and traffic in the neighborhood, both during construction and after construction. Consistent with the MOU, the ANC voted unanimously to support the application with conditions, and filed a report to this effect pursuant to 11 DCMR § 3119.2.

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Requests for Party Status The Board received one request for party status in opposition from the Beekman Place Condominium Association, Inc., ("Beekman") represented by its treasurer, Christiane L. Roehler. Over objection by the applicant, the Board granted party status to Beekman based upon its proximity to the proposed new development. Beekman maintained that the proposed relocation of the parking spaces and proposed development of the site would aggravate the current parking difficulties in the neighborhood. However, Beekman eventually withdrew its opposition during the course of the proceedings, in part based upon its support of the negotiated Meridian MOU.

OP Report OP's report indicated that the application meets the tests for special exception approval, and recommended that the application be approved with conditions. The OP presented four recommended conditions for approval. Restated, these conditions provide:

(1) The brick wall at the parking lot required by the previous Board order would be maintained only so long as the area was used exclusively as a surface parking lot.

(2) The 38 parking spaces required under the previous Board order would continue to be required but could be relocated to an underground garage at the same site. The covenant recorded among the land records which reflected the obligation to provide spaces at the site may be modified to allow for an underground garage beneath the new development at the site.

(3) Meridian would buy or lease 40 off-street parking spaces during the project construction period. The construction period is defined as the period beginning 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 in the new garage.

(4) Meridian would provide 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.

Parties and Persons in Support The Board received a letter in support of the application from Jim Graham, Ward 1 Councilmember. ANC 1C, through testimony by Jeff Coudriet, the ANC Single Member District representative for 1C08, in which this site is located, and by letter dated September 23, 2003, from Alan Roth, ANC chair, supported the application provided that the Meridian MOU were incorporated in the new Board order. Carl Schmidt, a resident of the Beekman Place Condominium Association, testified and submitted a letter in support of the application, also conditioned upon incorporating the Meridian MOU and

certain aspects of a second Memorandum of Understanding between the developer of the site and the ANC (the "Developer MOU"), in the Board's order.

FINDINGS OF FACT

1. Meridian International Center ("Meridian") holds a special exception to operate a private school and cultural center at 1630 Crescent Place, N.W, Square 2568, Lot 809. The special exception was approved by this Board in Appeal No. 5802 in an order dated (on or about) February 24, 1960 ("the 1960 order")[1].

2. The 1960 order also granted Meridian a special exception for off-site accessory parking at 17th and Belmont Streets, N.W., in Square 2567, Lot 850. (the "site"). This site, which is the subject of this proceeding and which is also owned by Meridian, is located in the R-5-B District.

3. Meridian proposes to sell the site to a developer for matter-of-right residential development under the existing R-5-B zoning of the property. The existing accessory parking lot contains 38 spaces. As a condition of the sale of the site, Meridian has reserved for itself the ownership and exclusive use of 39 parking spaces to be located in the new construction on the site, in a below-grade garage.

4. Meridian seeks approval to modify two conditions within the 1960 Board order granting the original special exception approval to Meridian. Because of the proposed matter-of-right development, conditions within the order must be modified, as follows: Condition "e" of the order requires a 42 inch high, 12 inch thick, brick wall along the street frontage. This requirement will become unnecessary if the property is developed as proposed. Condition "f" of the order requires the site to be used "exclusively" as the required accessory parking for the Meridian building. This requirement conflicts with the matter-of-right development which is proposed.

5. The Board finds that that the applicant's proposal to relocate the parking to a below-grade garage will not result in the loss of any accessory parking and will actually result in one more parking space than was required in the 1960 order.

6. The Board is persuaded that Meridian will meet its obligation to provide temporary accessory parking elsewhere during the construction period. While the residential development and garage is being constructed at the site, Meridian will provide accessory parking at a lot located at the east end of its property, adjacent to

[1] Special exceptions were identified as appeals at the time of the original order. The Board's rules of procedures were subsequently amended to identify special exceptions as applications.

Meridian's White-Meyer building (the "White-Meyer Parking Lot"). In addition, Meridian has entered into an agreement with a commercial parking garage operator which will enable it to provide 40 accessory parking spaces in the vicinity of the site during the construction period.

CONCLUSIONS OF LAW

Meridian Qualifies for Modification of its Special Exception. Meridian's application will be treated as a request to modify its1960 special exception to operate accessory parking spaces at a site near the school and cultural center. The 1960 approval was granted pursuant to § 3101.411 of the Zoning Regulations in effect at the time (*Zoning Regulations of the District of Columbia*, effective May 12, 1958). As a result, the Board will not evaluate each and every one of the special exception criteria that were established at that time. Rather, the Board will examine only those aspects of the special exception that Meridian seeks to modify, i.e. relocating the surface parking spaces to an underground garage.

The proposed modification is in accord with the Zoning Regulations. The requested special exception modification must "be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps." 11 DCMR § 3104.1. Second, it must "not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map" 11 DCMR § 3104.1. The proposed modifications in this case meet each of these requirements. The underground garage will be compatible with the surrounding neighborhood, particularly the matter-of-right residential development. The special exception for accessory parking has existed for over 40 years without any adverse effects on neighboring properties. Meridian merely seeks to relocate the surface parking spaces to an underground garage. Provided Meridian complies with the conditions specified in this order, the relocated parking spaces should not result in any adverse impacts on neighboring properties.

The Board is required under Section 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21, as amended; D.C. Official Code § 1-309.10(d)(3)(A)), to give "great weight" to the issues and concerns raised in the affected ANC's recommendations. To give great weight the Board must articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances and make specific findings and conclusions with respect to each of the ANC's issues and concerns. In this case the ANC supported Meridian's proposal to modify the special exception for accessory parking, provided certain aspects of the negotiated MOUs were incorporated in the Board's Order. However, the Board may only impose conditions that are necessary to mitigate the potential adverse impact of

the zoning relief granted. Therefore the Board is only imposing those MOU terms that meet this standard as conditions of this modification.

In light of the foregoing, the Board **ORDERS** that the application is hereby **GRANTED** to allow accessory parking for the building located at 1630 Crescent Place, N.W. (Square 2568, Lot 809) to be relocated from the surface parking lot to two levels of underground garage in new development permitted on the subject property as a matter of right in the R-5-B District at premises located at 17th and Belmont Streets, N.W. (Square 2567, Lot 850) **SUBJECT** to the following **CONDITIONS**:

1. The brick wall at the parking lot required by Condition (e) of the 1960 Board order shall be maintained for so long as the area is used exclusively as a surface parking lot.

2. The 38 parking spaces required by Condition (f) of the previous Board order shall continue to be required (with one additional space) but will be relocated to an underground garage at the same site. The covenant recorded among the land records which reflected the obligation to provide spaces at the site shall be modified to allow for an underground garage beneath the new development at the site.

3. Meridian shall buy or lease 40 off-street parking spaces for use during the project construction period. The construction period is defined as the period beginning 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 in the new garage.

4. Meridian shall provide an attendant and/or valet parking as follows:

   a. For all events at Meridian where any guests are expected to utilize the new parking garage, an attendant will be stationed near the garage entrance to direct guests to the Meridian parking spaces in the garage, and to provide access through the security gate;

   b. For all events of 150 or more guests, attendants will also be stationed in the parking garage, adjacent to the Meridian parking spaces, and in Meridian's White-Meyer Parking Lot on Crescent Place, N.W., to assist with efficient utilization of the parking area, including the use of stacked parking;

   c. For all events of 200 or more guests, Meridian will use valet parking.

VOTE: 4-0-1 (Geoffrey H. Griffis, Ruthanne G. Miller, and David A. Zaidain to approve; John G. Parsons to approve by absentee vote; Curtis L. Etherly, Jr. not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this Order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER NOV 18 2003

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF

1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. SG/RSN

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 17070

As Director of the Office of Zoning, I hereby certify and attest that on NOV 18 2003 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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rsn

ATTESTED BY:

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