BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of Meridian International Center
Square 2567, Lot 850
17th and Belmont Streets, N.W.

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

D.C. OFFICE OF ZONING
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I. Background:

Board of Zoning Adjustment Order No. 5802, dated February 24, 1960, approved the location of off-site accessory parking spaces for the Washington International Center located at 1630 Crescent Place, N.W. (Lot 809 (formerly Lot 807) in Square 2568) to be located across 17th Street, at Lots 811, 834, 838 and 839 in Square 2567 (hereinafter "the parking lot"). The conditions approved in conjunction with Order No. 5802 are as follows:

(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 to 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 of the two openings.

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(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 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.

The covenant required by condition (f) has been recorded.

Meridian International Center, the successor to Washington International Center, is proposing to replace the parking lot with a matter-of-right residential development. The parking lot is zoned R-5-B and contains 38 spaces. If the parking lot is developed, Meridian will reserve for itself the right to own 39 parking spaces on the property, to be located below grade.

Pursuant to 11 DCMR §3104.1, this request is for a modification to conditions (e) and (f) of Order No. 5802. If and when the specific property is developed, the parking spaces will remain on the same property as at present, and will be located within the new development. Conditions (a), (b), (c) and (d) of Order No. 5802 will still apply. Condition (e) will apply, as long as the parking area remains as a surface parking lot. If the property is developed and the parking is placed below grade, the condition is not necessary. Condition (f) will also remain, and will be modified to require that at least 38 spaces are reserved exclusively for that purpose, so long as said accessory off-street parking is required by the Zoning Regulations. The parking spaces will meet all requirements of the Zoning Regulations.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested special exception modification. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof:

Pursuant to § 214.1 of the Zoning Regulations, use as a parking lot shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of § 214. The Subject Property is in compliance, as set forth herein:

1. Section 3104.1:

This section authorizes the Board to grant special exceptions as provided in the Zoning Regulations, where the Board determines such grant(s) of special exception to be in harmony with the intent and purpose of the zone plan and which does not tend to adversely impact the use of neighboring property.

The requested special exception modification is in harmony with the intent and purpose of the zone plan and will not adversely impact the use of neighboring property. Adequate parking – one space above what currently exists – will be maintained on the subject property for exclusive use by the Applicant.

2. Section 214

In approving the original application in 1960, the Board determined that the accessory parking lot was in compliance with all of the requirements of the applicable Zoning Regulations, including the predecessor of Section 214. In approving the application, consistent with its general authority, the Board imposed conditions for the protection of surrounding property and to assure that the lot was operated and maintained in a fashion that would be in harmony with the general purpose and intent of the Regulations and would not adversely affect the use of neighboring property. The Board 's authority to impose conditions must be consistent with the purposes for which the associated regulations were established.

This application relates solely to conditions (e) and (f), which the Applicant proposes to modify 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.

deleted language ~~struck through~~; language to be added underlined

The two modified conditions will maintain the protection of adjacent properties and consistency with adopted regulations as approved by Order No. 5802. The modifications are necessary due to the decision to develop the parking lot property, which was not contemplated in 1960. The proposed development, which would put the parking underground, would make approved conditions (e) and (f) no longer applicable or necessary in their current form. The revisions proposed would continue the requirement to maintain the spaces. Locating the spaces inside a new building otherwise permitted as a matter-of-right brings the added benefit of removing the surface lot and replacing it with residential uses which increases the supply of housing in the District.