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March 8, 2005

Geoffrey Griffis, Chairman
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

D.C. OFFICE OF ZONING
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Re: Board of Zoning Adjustment Application # 17304
Modification of Application

Dear Mr. Chairman:

The Application in Case No. 17304 includes a requested special exception for Accessory Parking pursuant to 11 DCMR § 214. That is the incorrect section of the regulations for the purposes of the parking lot in question. The Applicant hereby requests that the Application be amended to be a special exception under § 213, Parking Lots. We are also sending copies of this amendment to property owners within 200 feet of the subject property and to Advisory Neighborhood Commission 7D.

The attached Statement addresses the criteria for approval under § 213.

Sincerely,
ARNOLD & PORTER LLP

Cynthia A. Giordano

Nathan W. Gross

Attachment

BZA
Case No. 17304
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17304
EXHIBIT NO. 26

BOARD OF ZONING ADJUSTMENT
APPLICATION NO. 17304
BENNING ROAD METRORAIL SITE
Amendment to Application
March 8, 2005

REQUESTED MODIFICATION

In the original application on this case, dated February 9, 2005, the Applicant requested a special exception pursuant to 11 DCMR § 214 for "Accessory Parking Spaces." That is the wrong section of the regulations for the purposes of the parking lot in question. The Applicant requests that the Application be amended to be a special exception under § 213 for "Parking Lots."

The criteria for approval in §§ 213 and 214 are similar, and several criteria are identical. The analysis below should be substituted for the analysis of the § 214 special exception on pages 6 and 7 of the Application. The following analysis will be included in the Pre-Hearing Submission.

B. Special Exception – Parking Lots (§ 213)

The Applicant proposes to provide 13 parking spaces on a rectangular site on Central Avenue, immediately across a 15-foot-wide alley from the Metrorail escalators. Subsection 213.1 authorizes such use in a residential zone as a special exception subject to criteria set forth in §§ 213.2 to 213.8. These conditions are addressed below.

213.2 A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial District.

Complies. The proposed parking lot is located immediately across a 15-foot-wide alley from the lot on which the principal use will be located. The latter property is zoned C-3-A, a Commercial District.

213.3 A parking lot shall be contiguous to or separated only by an alley from the use to which they are accessory.

Complies. Only an alley separates the accessory spaces from the principal use.

213.4 All provisions of chapter 23 of this title regarding parking lots shall be complied with.

Complies. The parking lot as designed complies regarding the standards in § 2303, which relate to surface materials, no extension into public space, no other use than parking, location of vehicular access, directional control of lighting, a masonry wall

screening adjacent residential property and landscaping. The Applicant's architect will present these features graphically at the public hearing. (§ 214.5)

213.5 No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, and the present character and future development of the neighborhood will not be affected adversely.

A masonry wall will separate the small parking lot from the only abutting residential neighbor, and the lot will be attractively landscaped. The parking lot will only have access from the alley separating it from the Metrorail station area, a commercial rather than a residential location. The residential uses to the east of the parking lot are separated by 46th Street, N.E., as well as the landscaping along the eastern edge of the parking lot. Accordingly, traffic to the parking lot will be small in volume and will not need to pass residences to enter and exit the lot.

The project is a moderate to medium sized office building in an established commercial district. This is a high-activity area at a Metrorail station, where employees and visitors can commute by Metrorail and bus. The bus stop on Benning Road will continue to have direct access to the Metro entrances, and numerous Metrobus lines serve this location, including 96, 97, E32, S51, U5, U6, U8, W4 and W54. CSOSA has surveyed its employees to determine their commuting method to this location and will develop a system for ride sharing among employees and other transportation management measures as feasible.

213.6 The parking lot will be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in overspill parking on neighborhood streets.

The proposed parking lot will only serve the proposed office building, but the use will meet the intent of § 213.6 of minimizing overspill parking by providing parking adjacent to the proposed office building.

213.7 A majority of parking spaces shall serve residential uses or short-term parking needs of retail, service and public facility uses in the neighborhood.

Complies. The proposed use is a public facility that may also be considered a service use. The spaces will serve a combination of CSOSA employees and clients, the latter of which will be short-term parkers.

Subsection 213.8 requires a referral to the D.C. Department of Transportation for a report.

Based on the factors cited above, the Applicant believes the project complies with the special exception criteria for a parking lot under § 213.