



MEMORANDUM

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TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review
DATE: February 5, 2013
SUBJECT: BZA Case 18496 – special exception request to continue an existing accessory parking lot on two lots generally located at 4435 35th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of special exception relief in accordance with § 214 to continue the existing 14 space accessory parking lot and garage building on the site subject to the following approval conditions, most of which are carried forward from the previous Board of Zoning Adjustment (BZA) Order No 16061 Recommended changes are shown as ~~stricken~~ text with new text in **BOLD** and underlined

- 1 Approval shall be for a period of seven years
- 2 Fourteen parking spaces shall be provided on the site in accordance with ~~revised plans marked as Exhibit No 30A of the record~~ **the annotated plat of the site in Exhibit C of the Prehearing Statement of the Applicant dated January 22, 2013.**
- 3 The hours of operation shall be from 8 a m to 9 p m
- 4 All areas devoted to driveways, access lanes, and parking areas shall be **properly maintained, with a paving of material forming an impervious surface. The existing pervious surface shall be replaced, in stages, with a pervious surface that is acceptable to the District Department of Transportation, by 2020.**
- 5 Bumper stops shall be maintained
- 6 All parts of the lot shall be kept free of refuse or debris and shall be paved and landscaped
- 7 No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space
- 8 **The Applicant shall investigate the feasibility of using one (1) of the fourteen (14) parking spaces as a car sharing space, subject to approval of the tenant and a commercially reasonable agreement with a car sharing company.**
- 8 ~~Landscaping shall be provided in the three planters shown on the site plan. The landscaping shall consist of evergreens at least three feet in height and it shall be maintained in a healthy growing condition and in a neat and orderly appearance.~~
- 9 **A permanent (capacity total needed) - bicycle storage rack shall be installed as located on Exhibit F of the Prehearing Statement of the Applicant.**

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18496
EXHIBIT NO. 25

- 10 **Landscaping, including the use of planter boxes shall be provided on site (totaling 5% of the surface parking area) per the plan in referenced Exhibit F. The landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.**
- 11 **The site includes an existing one-story garage of masonry construction.** No other use shall be conducted from or upon the premises shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located
- 12 No vehicular entrances or exits shall be within 40 feet of a street intersection as measured from the intersection of the curb lines extended
13. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot

II. LOCATION AND SITE DESCRIPTION:

Address	4434 Connecticut Avenue NW (lot 0831 has no address)
Legal Description.	Square 1971, Lots 0804 and 0831 (respectively)
Ward	3F
Lot Characteristics	Two lots totaling approximately 5,187 square feet (0.12 acre) along an alley 20-feet wide that extend south from Albemarle Street NW
Zoning	<i>R-1-B</i> - accessory parking lots are allowed by special exception in this district
Existing Development	Lot 831 is paved with asphalt and striped to accommodate 9 parking spaces with a drive aisle that are parallel to the alley and 1 perpendicular space accessed directly from the alley. Lot 832 also has asphalt pavement, a one-story garage and is striped for four parking spaces perpendicular to the alley (refer to Figure 1)
Historic District	None
Adjacent Properties	Properties to the east directly across the alley are developed with a 7-story multiple-dwelling and a 1-story commercial building that front Connecticut Avenue NW in a C-3-A district, and properties to the west in the same R-1-B district are developed with 2-story semi-detached dwellings with garages in the rear yards. The rear yards of these one-family residences are boarded by wooden stockade fences that appear to be at least 6-feet tall.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Mid-Cities LLC, owner of record
Proposal	To continue to use the subject properties as a single accessory parking facility that serves the one-story office building across the alley located at 4435 Connecticut Avenue NW. A real estate office is the current tenant of this commercial building. The Office of Planning noted that the applicant currently owns all three properties. The BZA previously took the following actions on the subject properties:

	- On May 15, 1963, Appeal No 7256 was conditionally approved to “continue accessory auto parking” on lot 831 (where the garage is located) for a plumbing business located on Connecticut Avenue NE. The approval was for 5-years which ended in May 1968 - On May 21, 1968, Appeal No 9578 was conditionally approved to continue the accessory auto parking lot noting the facts of this case remained unchanged from the previous approval. The approval was for 5-years which ended in May 1973 - On December 12, 1990, Application No 15401 was approved for a special exception in accordance with § 214 to establish an accessory parking lot for 14 spaces on lots 0804 and 0831, the subject properties, and to waive the requirement under § 2303.2 (a) to provide a 42-inch high masonry screening wall. The approval was for 5 years which ended in January 1996 - On July 19, 1995, Application No 16061 was approved for a special exception in accordance with § 214 to continue operation of the above-referenced accessory parking lot. This special exception approval was subject to 11 conditions and expired in August 2002 This accessory parking facility continued operation after the most recent special exception expired No changes to the site were proposed under the original application. The application requested continuation of the previous waiver from § 2303.2 (a) and special exception approval with no expiration date. The application also indicated that the existing use is in conformance with all 11 conditions of the current approval. OP concurs that the current use conforms to these conditions based on a visit to the site. In the Prehearing Statement of the Applicant dated January 22, 2013, the applicant responded to additional requests made by Advisory Neighborhood Commission (ANC) 3F: an approval term of 5-years, a permanent bike rack, increased landscaping, replacing the impervious surface with a pervious surface and delegating 2 of the 14 parking spaces for car-sharing.
Relief Sought.	§ 214 - special exception relief to continue the existing accessory parking lot

IV. OP ANALYSIS

Concurrence the § 214 (accessory parking spaces in a residence district).

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 adjacent finished grade*

The accessory parking spaces on this site are in an open area, no portion of which extends above the level of the finished grade of the residences to the west.

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

The accessory parking spaces are all located within 170 feet of the associated commercial office building located across the alley at 4435 Connecticut Avenue NW.

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

A 20-foot wide public alley is the only separation between the accessory parking lot and the referenced commercial building.

- 214.5 *All provisions of chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an appropriate case appropriate case under § 2303.2 modify or waive the conditions specified in § 2303.2 where compliance would serve no useful purpose. Discussions with the DC agencies involved with this project revealed that following information.*

- 214.6 *It shall be deemed economically impractical 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: ...*

- (b) *Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;*

It is impractical to locate parking spaces on the same lot as the commercial building because this structure occupies the entire lot at 4435 Connecticut Avenue NW. As a result no space is left for onsite parking. ...

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

Traffic circulates on the accessory parking lot from the adjacent public alley. There is no indication this circulation pattern has negatively impacted the adjacent one-family residences to the west or multiple-dwelling to the east across the alley.

- 214.8 *Before taking final action on an application/or use as accessory parking spaces, the Board shall submit the application to the Department of Transportation for review and report.*

A District Division of Transportation (DDOT) representative visited the site and may submit a separate report for Board consideration.

Concurrence the § 2303 (parking lot standards):

- 2303.1 *A parking lot in any district shall conform to the following provisions:*

- (a) *All areas devoted to driveways, access lanes, and parking areas*

shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all weather surfaces include porous (or pervious)

Figure 1



concrete, porous asphalt, and/or mechanically-reinforced grass, excluding grass or gravel

All areas of the accessory parking lot including the parking area driveways and access aisles are paved with impervious asphalt material. Since the previous special exception approval, an amendment to the § 2303 1 (a) broadened the allowable pavement options to include all weather pavement surfaces that are pervious. OP would also like to see lot improvements that would reduce the surface run off and bring onsite landscaping into conformance with the regulation standard. It is therefore recommended that landscaping onsite increase to equal 5% of the total lot area in accordance with § 2303 1 (f), and the existing impervious parking surface transition to a pervious surface that is acceptable to DDOT when opportunities for surface repairs and replacement arise.

- (b) The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line*

The accessory parking lot has been designed so that no vehicle or any part of a vehicle projects over a lot line.

- (c) No other use shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless the use or structure is otherwise permitted in the district in which the parking lot is located*

The existing garage is an allowable use on an alley lot in an R-1 district. However, the current order does not identify this structure as being on the subject property. OP recommends acknowledging it as an existing use on the site in the new order.

- (d) No vehicular entrance or exit shall be within forty feet (40 ft) of a street intersection as measured from the intersection of the curb line extended*

The Albermarle and Yuma Street alley entrances are more than 40 feet from the Connecticut Avenue intersections with both streets.

- (e) Any lighting used to illuminate a parking lot or its accessory buildings shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot*

Lights onsite are arranged to illuminate the surface of the parking lot without impacting neighboring properties.

- (f) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance. Landscaping with trees and shrubs shall cover a minimum of five percent (5%) of the total area of the parking lot, or an area as determined by the Board of Zoning Adjustment for a parking lot otherwise requiring Board approval*

When OP conducted a site inspection, the accessory parking lot was free of refuse and debris, and the lot surface appeared to be in fair-to-good condition. Striping of parking spaces was clearly visible. In response to comments from OP, DDOT and the ANC, the Prehearing Statement indicates that the applicant agreed to increase onsite landscaping onsite to meet the above-referenced 5% standard.

- 2303 2 In addition to the requirements of § 2301 1, a parking lot located in an R-1, R-2, R-3, R-4 or R-5-A District, and a parking lot located in any other district where such parking lot is contiguous to an R-1, R-2, R-3, R-4 or R-5-A District shall be screened from all contiguous residential property located in any R-1, R-2, R-3, R-4 or R-5-A District by a solid brick wall at least twelve inches (12 in) thick and forty-two inches (42 in) high or by evergreen hedges or evergreen trees that are thickly planted and maintained and at least forty-two inches (42 in) in height when planted*

- (a) The parking lot shall be screened from all contiguous residential property located in an R-1, R-2, or R-3, District by a solid masonry wall at least twelve inches (12 in) thick and forty-two inches (42 in) high*

This requirement was waived for lot 831 in 1968 under Order No. 9578 There is no indication that a masonry screen wall fence is required on either of the subject properties in light of the existing fences along the rear yards of the residential lots to the west

- (b) All parts of the lot not devoted to parking area, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved or landscaping Landscaping shall be maintained in a healthy growing condition, and in a neat and orderly appearance*

Based on the OP site visit these standards are being met

- 2303 3 If approved by the Board of Zoning Adjustment as a special exception under § 3104, the conditions in § 2303 2 may be waived or modified*

OP supports the continued waiver § 2303 2 (a) based on the existing fence line

- 2303 5 The Board may require any special treatment of the premises that it deems necessary to protect the value of adjacent property*

Recommended improvements are listed in the approval conditions

Based on this review the application meets the standards for special exception approval subject to the recommended approval conditions When OP inquired whether the proposed conditions are acceptable to the applicant, the response was an alternative proposal for a 10-year approval term

V. AGENCY COMMENTS

DDOT may provide agency comments under a separate cover.

VI. COMMUNITY COMMENTS

The applicant indicated that on January 14, 2013, the ANC unanimously adopted a resolution of support for this special exception subject to a term of 5 years and a number of conditions noted above

In response, the applicant proposed approval conditions requiring them to increase the onsite landscaping to 5% of the parking surface area, **replace the impervious surface with a pervious surface by 2020**, install a bicycle rack (while not indicating how many bikes would be accommodated), and investigate the feasibility of dedicating one parking space for car sharing

In light of the ANC resolution, OP recommended an approval term of 7 years which would coincide with the applicant's stated timetable for completing the most significant site improvement