

RECEIVED  
D.C. OFFICE OF ZONING

District of Columbia  
Office of Planning



**MEMORANDUM**

2013 SEP 17 PM 3: 34

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 18614

EXHIBIT NO. 29

TO: District of Columbia Board of Zoning Adjustment  
FROM: Karen Thomas, Case Manager  
Joel Lawson, Associate Director Development Review  
DATE: September 17, 2013

SUBJECT: BZA Case 18614 - Request by SMC United Industrial Partnership, (the Applicant) pursuant to DCMR 11 § 3104 for special exception relief under § 213, to continue the use of a previously approved surface parking lot in an R-1-B District at premises 2310 and 2320 3<sup>rd</sup> Street, N E (rear 3070 V St, NE) (Square 4365, Lots 805, 806)

**I. SUMMARY RECOMMENDATION**

The Office of Planning (OP) recommends approval of the continued use of the parking lot pursuant to § 213, subject to the following conditions, with changes from current approval conditions noted and as discussed with the applicant

- 1 Approval shall be for a period of TEN (10) years
- 2 The layout of the site shall be in accordance with the site plan as ~~Exhibit No. 10~~ submitted to the record on September 9, 2013 (Tab G).
- 3 Use of the lot shall be restricted as follows
  - a) All tractor trailers, contractor office trailers and other large commercial vehicles shall be restricted to the southern portion of the lot. No more than 10 tractor trailer vehicles shall be parked on the site at any given time
  - b) Service vehicles for the tenant of the adjacent building shall be restricted to the northern portion of the facility
  - c) ~~Employee passenger vehicles for the tenant of the adjacent building shall be restricted to the central portion of the facility~~ (Explanation: Not necessary to control employee parking if other vehicle locations are specified)
  - d) No commuter, fringe or public parking use, except by employees of neighboring properties, shall be permitted at this facility at any time
  - e) No vehicle maintenance, storage of equipment or dumping of trash or other refuse and debris shall be permitted on site
  - f) ~~Twenty-four hour controlled parking by chain and padlock or attendant access shall be provided. It shall be open during tenant business hours and will be locked or otherwise automatically controlled during non-business hours.~~ (Explanation: to reflect its current operation)
  - g) The lots shall be periodically monitored or patrolled when unattended.
  - h) Any lots not used for parking shall be chained and locked
- 4 ~~Lighting shall not be required at the site in accordance with the agreement between the applicant and the community~~ Lighting shall be directed towards the surface of the lot. (Explanation: Lighting is provided at GSA's request.)
- 5 If Lots 28 and 29, located to the north of the facility and currently owned by the Applicant, are developed in the future, the Applicant shall notify the Board, and a further proceeding will be initiated in order to consider whether and to what extent an additional landscaped buffering between the residential and commercial land use is necessary
- 6 The applicant shall maintain signage on the lot directing all vehicles exiting the lot to turn right on 31<sup>st</sup> Street, heading south toward V Street
- 7- ~~All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weathered impervious surface~~ (Explanation: If future improvements are made to the lot it would have to comply with improved storm water management standards.)

8. No vehicle or any part thereof shall be permitted to project over any lot or building line, or on or over the public space.
9. All parts of the lot shall be kept free of refuse or debris and shall be paved and landscaped. Landscaping and lawn areas shall be maintained in a healthy growing condition and in a neat and orderly appearance.
10. 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 such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

## II. SITE AND AREA DESCRIPTION

|                                    |                                                                                                                                                                                                                                                                       |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address                            | 2310-2320 31 <sup>st</sup> Street, NE                                                                                                                                                                                                                                 |
| Legal Description                  | Square 4365, Lots 805 and 806                                                                                                                                                                                                                                         |
| Ward/ANC                           | 5/ANC5C                                                                                                                                                                                                                                                               |
| Lot Characteristics                | The combined lots are triangular in shape. The lot has a wooded area with steep slopes at its west boundary, which abuts the residential area to the west.                                                                                                            |
| Existing Development               | The 92,177 square foot parcel is developed with a 42,000 square foot of a surface parking lot (116 spaces), serving GSA and DHL warehouses located directly south of the parking lot.                                                                                 |
| Zoning                             | R-1-B District, which permits this type of development subject to special exception approval.                                                                                                                                                                         |
| Surrounding Neighborhood Character | The lots abut residential properties in the R-1-B and R-5-A Districts along its west property line. Industrial properties to the south and east of the lot are within the C-M-1 District. The applicant owns two lots to the north of the triangular-shaped property. |



Aerial and Zoning Map



**III. APPLICATION and BACKGROUND**

|           |                                                                                                                                                                                                                                                       |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant | SMC –United Industrial Ltd.                                                                                                                                                                                                                           |
| Proposal  | The Applicant requests special exception relief pursuant to 11 DCMR 3104.1, under § 213 to continue the operation of a parking lot in the R-1-B District. The applicant does not propose to make any changes or to alter the lot or its existing use. |

Approval by the Board to operate a parking lot has been granted Board approval since 1957, and most recently under BZA Order 17049, subject to conditions in the order, including:

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Approval shall be for a period of TEN (10) years.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2.  | The layout of the site shall be in accordance with the revised site plan marked as Exhibit No. 10 of the record.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 3.  | Use of the lot shall be restricted as follows: <ul style="list-style-type: none"> <li>a) All tractor trailers, contractor office trailers and other large commercial vehicles shall be restricted to the southern portion of the lot. No more than 10 tractor trailer vehicles shall be parked on the site at any given time.</li> <li>b) Service vehicles for the tenant of the adjacent building shall be restricted to the northern portion of the facility.</li> <li>c) Employee passenger vehicles for the tenant of the adjacent building shall be restricted to the central portion of the facility.</li> <li>d) No commuter, fringe or public parking use, except by employees of neighboring properties, shall be permitted at this facility at any time.</li> <li>e) No vehicle maintenance, storage of equipment or dumping of trash or other refuse and debris shall be permitted on site.</li> <li>f) Twenty-four hour controlled parking by chain and padlock or attendant access shall be provided.</li> <li>g) The lots shall be periodically monitored or patrolled when unattended.</li> <li>h) Any lots not used for parking shall be chained and locked.</li> </ul> |
| 4.  | Lighting shall not be required at the site in accordance with the agreement between the applicant and the community.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5.  | If Lots 28 and 29, located to the north of the facility and currently owned by the Applicant, are developed in the future, the Applicant shall notify the Board, and a further proceeding will be initiated in order to consider whether and to what extent an additional landscaped buffering between the residential and commercial land use is necessary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 6.  | The applicant shall maintain signage on the lot directing all vehicles exiting the lot to turn right on 31 <sup>st</sup> Street, heading south toward V Street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 7.  | All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weathered impervious surface.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 8.  | No vehicle or any part thereof shall be permitted to project over any lot or building line, or on or over the public space.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 9.  | All parts of the lot shall be kept free of refuse or debris and shall be paved and landscaped. Landscaping and lawn areas shall be maintained in a healthy growing condition and in a neat and orderly appearance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 10. | 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 such use or structure is otherwise permitted in the zoning district in which the parking lot is located.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

**IV. ZONING REQUIREMENTS**

The review of the criteria under § 213 are as follows:

*§ 213 2 – A parking lot shall be located in its entirety within two hundred feet (200 ft ) of an existing Commercial or Industrial district.*

The existing lot is located in its entirety within 200 feet of the industrial C-M-1 District to the east and south of the lot

*§ 213 3 – A parking lot shall be continuous to or separated only by an alley from a Commercial or Industrial district*

The parking lot is located at the rear of an existing warehouse lot (owned by the applicant) in the C-M-1 District. The warehouse fronts on V Street (3070 V St NE)

*§ 213 4 – All provisions of Chapter 23 of this title shall be complied with*

The requirements of §2303 are as follows

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

The entire lot is a surfaced asphalt lot

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

The parking area is fenced along its perimeter and there is an 8-inch concrete curb at the north and south borders of the lot, which would prevent this occurrence. The surface lot's edge to the west abuts an area on the applicant's property, which acts as a buffer between the subject lot and the rear of residences to the west. These homes front on 30<sup>th</sup> Street NE

- (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 applicant has indicated that no other use is conducted on the premises and there is no attendant shelter on the lot

- (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 lines extended,*

No entrance or exit to the lot is located within 40 feet of an intersection

- (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, and*

OP observed 8 shaded pole lights on the lot which direct light towards the lot's surface and not beyond the surface lot's area

It is noted that the previous Order's item # 4 indicated that "*Lighting shall not be required at the site in accordance with the agreement between the applicant and the community*" The existing lights were provided for the required security purposes of the applicant's former GSA tenant within the past 10 years OP has no objection to their continued use, since it would provide lighting in what would be an isolated area during night time and it would not have an impact on residential properties OP recommends the continued use of lights on the lot, provided they are directed downwards as required by the regulations

- (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*

The parking lot is well maintained and kept free of refuse The public space in front of the lot along 31<sup>st</sup> Street is also well maintained with grass The combined Lots 805 and 806 (the total site) developed in part with the surface lot also include mature trees and shrubs, along the western periphery The parking area (42,000 sf) covers less than half of the site's area (46%) The subject property provides landscaping which exceeds the current requirement and would also meet the pending 10% landscaping requirement for surface lots with 10 or more parking spaces (§ 2111.1 (d))<sup>1</sup>

- 2303 2 *In addition to the requirements of § 2303 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 the R-1, R-2, R-3, R-4, or R-5-A District by a solid brick or stone 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, and*

The contiguous lots to the north are owned by the applicant and are not developed These lots act as a buffer to the residential property to the north. In this instance, this requirement is not applicable OP recommends the Board waive this requirement per Section 2303 3, as in prior approvals

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

<sup>1</sup> § 2111- Surface Parking Lot Standards § 2111 1(d) Landscaping around the perimeter of the parking area may count toward the area requirement of this subsection up to a distance of six(6) feet from the pavement (*Effective October 1, 2013*)

The areas on the lot not devoted to parking contain mature trees and shrubbery as noted prior

*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*

The applicant has requested a waiver from § 2303 2 (a)

*2303 4 Before authorizing a waiver or modification, the Board shall consider*

- (a) The adequacy of protective and screening walls located on adjacent residential property,*
- (b) Topographic and traffic conditions, and*
- (c) Any adverse effect the requested waiver or modification of standards may have on adjacent residential property*

OP recommends the Board authorize the waiver, based on the extended time the use has existed without adverse impacts on the residential neighborhood

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

OP has no recommendation for additional treatment at this time

*§ 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*

There is no indication that the parking lot has created any dangerous or otherwise objectionable traffic conditions in its 56 year history as an established use The District Department of Transportation (DDOT) will submit its comments to the Board regarding any observed traffic condition related to this use

*§213 6 – The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be reduction in overspill parking on neighborhood streets*

The lack of available parking spaces in the immediate industrial neighborhood makes the adjacent parking lot necessary to provide parking for the warehouse tenant's uses The location and size of the lot minimizes the likelihood of overflow parking encroaching on neighborhood streets, including Adams Street and 31<sup>st</sup> Street, north of Adams Street. No commuter, fringe or public parking is permitted on site as a condition of approval in previous BZA orders OP would also continue to recommend approval based on that condition

*§213 7 - A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service and public facility uses in the vicinity*

The subject parking lot primarily serves the industrial warehouse tenant's uses and its employees located at 3070 V Street, south of the lot

*§ 213 8- Before taking final action on an application for use as a parking lot, the Board shall submit the application to the Department of Transportation for review and report*

The application is under review by DDOT DDOT will submit its report to the Board under separate cover

**Section 3104**

11 DCMR, Section 3104 1 authorizes the BZA to grant special exception “where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations Map, and will not tend to affect adversely the use of neighboring property in accordance with the Regulations

The requested relief demonstrates conformance with these requirements as follows

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

The subject site has been approved for parking purposes for over fifty-six years. The applicant’s special exception request anticipates using the parking lot in the same manner There is no reason to expect the continuation of the use to result in inconsistencies with the general purpose and intent of the Regulations

**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?**

Granting relief for the parking lot’s continued operation will not tend to affect adversely the use of neighboring property The parking lot is contained entirely on Lots 805 and 806. An area of green space, separating the lots from neighboring residential property, acts as a buffer between the residential and industrial uses If the property were developed as a residential use, no buffer area would exist, resulting in traffic conflicts between commercial and residential vehicles in the immediate neighborhood No available records indicate that the site was ever used for residential purposes

The subject parking lot meets the above requirements Prior histories of approval by the Board, and the issuances of certificates of occupancy for parking purposes, are evidence of compliance

**V. COMMUNITY COMMENTS**

The ANC 5C will hold their regularly scheduled meeting on September 18, 2013 subsequent to the filing of OP’s report The ANC’s report will be filed under separate cover The applicant will also meet with the Gateway Community Association on September 16, 2013 to discuss the application OP has no information on community objections or violations of recent use of the parking lot