



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	18741	Case Name:	BB&H Joint Venture
Address or Square/Lot(s) of Property:	4422 Conn Ave (Sq. 1971, Lot 822)		
Relief Requested:	Special Exception to continue accessory parking lot		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1	8	/	0	3	/	1	4	Was proper notice given?:	Yes	☒	No	☐
Description of how notice was given:	Web sites, email list servs, Current Newspaper												

Number of members that constitutes a quorum:	4	Number of members present at the meeting:	5
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MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

See attachment

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

Oppose Special Exemption. See filing.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18741
EXHIBIT NO. 24

2014 MAR 24 AM

RECEIVED

AUTHORIZATION

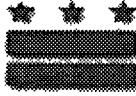
ANC	3	F	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	5-0-0
Name of the person authorized by the ANC to present the report:			Adam Tope or Malachy Nugent	
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			Adam Tope	
Signature of Chairperson/ Vice-Chairperson:			Date:	3-23-14

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.

Board of Zoning Adjustment
District of Columbia
CASE NO.18741
EXHIBIT NO.24

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3F
North Cleveland Park • Forest Hills • Tenleytown

3F01 – Adam Tope
3F02 – Karen L. Perry
3F03 – Mary Beth Ray
3F04 – Sally Gresham
3F05 – Manolis Pniotakis
3F06 – Malachy Nugent
3F07 – Bob Summersgill



Box 244
4401- A Connecticut Avenue, N W
Washington, D C 20008-2322

Web site www.anc3f.us

E-mail. commissioners@anc3f.us
Phone 202 670 7ANC

Twitter @ANC3F
Facebook [facebook.com/ANC3F](https://www.facebook.com/ANC3F)

Board of Zoning Adjustment
441 4th St. NW
Suite 200/210-S
Washington, DC 20001

March 18, 2014

RE: Case Number 18741 (Rear of 4422 Connecticut Avenue, N.W.; Square 1971, Lot 822)

Dear Members of the Board,

Enclosed please find the Form 129 with respect to Board of Zoning Adjustment Case Number 18741 (Rear of 4422 Connecticut Avenue, N.W.).

At our properly noticed and public meeting on March 18, 2014, ANC 3F voted to oppose the special exception at the rear of 4424 Connecticut Avenue, N.W. by a vote of 5-0-0.

The ANC's Opposition

Applicant states that since 1982, the land at the rear of 4424 Connecticut Ave, N.W., zoned R-1-B, has been operated as an accessory parking lot under a special exception. The approval to use the land as an accessory parking lot **expired in 2012** and the landlord has continued to use this land since 2012 without BZA approval in violation of the previous order.

The ANC is opposed to the applicant's use of the property as an accessory parking lot for three reasons; (1) the applicant has not complied with the BZA's order, (2) the property does not meet the requirements of the DC Zoning Regulations and (3) the use of the land as an accessory parking lot is adverse to neighbors and the ANC as a whole.

Non-Compliance With the Order

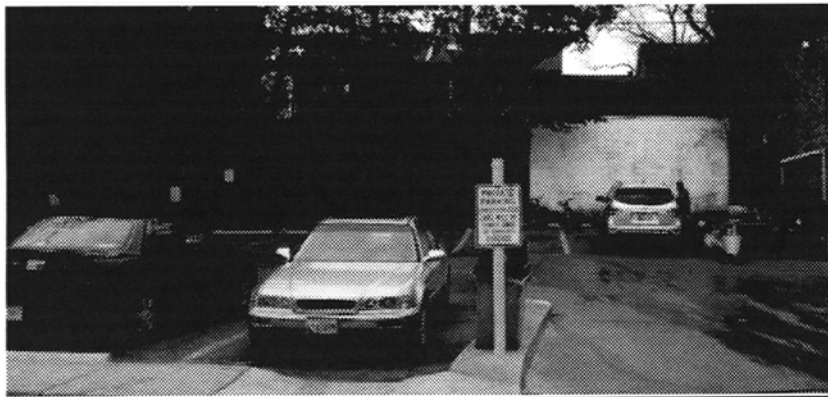
As testified by Commissioner Karen Perry at the 2009 hearing of this property, the applicant has been substantially out of compliance with numerous conditions of the

2004 BZA order. As of the date of this letter, the applicant is out of compliance with the following conditions of the 2009 order:

- Condition 1 – The use was approved for three years (expiring in 2012), but is still being used by the applicant.
- Condition 2 – The dumpsters are still located, to this day, on the accessory parking lot. As noted by the BZA in the prior order, “The dumpsters serve the Burger King lot, not the accessory parking lot, and the Board finds they have no place on a residentially zoned lot. The Board also finds that locating the dumpsters on the accessory parking lot runs afoul of section 2303.1(c), which prohibits all “structure[s]” on a parking lot, with the exception of an attendant shelter.”



- Condition 4 – The property only has one, not two, garbage cans.



- Condition 7 – No neighborhood or ANC liaison has been appointed.
- Condition 8 – The ANC has not received an annual report on compliance since the date of the last order.

- Condition 9 – The striping and maintenance of the parking lot is not well maintained. There are numerous potholes and bumps which are damaging to cars.
- Condition 10 – The exit and entrance arrows are non-existent.



The ANC will be filing a complaint with the Zoning Administrator regarding the non compliance.

Property Fails To Meet the Zoning Regulations

Section 2303.3(c) of the Zoning Regulations require that:

"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 ANC opposes the accessory parking lot because it is not primarily used as a parking lot. Instead, the primary use of the property is a holding area for the neighboring car wash where cars are temporarily stationed while car wash staff wash and dry the cars exiting the car wash. This use is inconsistent with the use of the land as a parking lot.

Additionally, as described above, the land is being used to store dumpsters which is inconsistent with the use of the land as a parking lot.

The Accessory Parking Lot Has An Adverse Impact on the Neighbors and ANC

Section 214.7 of the Zoning Code states that an accessory parking space shall not have "an adverse impact on the neighborhood because of noise, traffic or other objectionable conditions".

The ANC is of the opinion that a re-approving this accessory parking lot is an objectionable condition to the ANC and the District as a whole. The parking lot is located on prime land within 1,000 feet of the Van Ness metro station and about 30 feet from Connecticut Ave. N.W. Ample parking lots serve the neighborhood and are rarely at their full capacity. The neighborhood is also served by a Capital Bikeshare station nearby. The ANC finds it objectionable that the special exception be granted so that this valuable land can be used as a parking lot. This land could be put to better use, such as a residential development that is allowed as a matter of right in the land's R-1 zoning.

Additionally, the ANC finds the approval of the special exception objectionable because of the runoff created by the impervious surface of the parking lot. Much has changed since 1982 and the current Van Ness area has problems with stormwater management, with runoff flowing into the Soapstone Valley and Rock Creek Park. This runoff pollutes our streams and rivers and costs District taxpayers significant amounts of money. Approving the parking lot, which encompasses over 8,000 square feet of impervious land that flows into Soapstone Valley exacerbates the runoff issues.

If the BZA Renews the Order

While the ANC is opposed to approval of an accessory parking lot, the ANC is cognizant that the BZA may renew the order. Accordingly, the ANC requests that if the order is renewed, it only be renewed for a period of 3 years. Additionally, if the BZA renews the order, the ANC requests the following conditions on the property:

Reinstatement of the previous conditions in the prior order

- 1 The application shall be approved for a period of THREE (3) YEARS
- 2 The dumpsters shall be removed from the accessory parking lot

- 3 At no time shall delivery, vendor, or trash trucks be permitted to enter the accessory parking lot
- 4 Two trash cans shall be maintained on the parking lot and emptied at least once per day, or more often if they are overflowing with trash
- 5 The parking surface and fence along the western boundary of the site shall be maintained in good condition at all times. All parts of the lot shall be kept free of refuse and debris. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance, and the trees located on the property shall be pruned at least once per year
- 6 An exterminator shall perform extermination services twice a month to control any rodents. In addition, the portion of the fence owned by the Applicant and located on the property shall be reinforced underground to help prevent any rodents from entering the neighbors' properties
- 7 The Applicant shall appoint a neighborhood and ANC liaison. The Applicant shall notify the ANC and all residences within 200 feet of the property of the name, telephone number, and e-mail address of the appointed liaison. When that individual is no longer designated to act as the liaison, the Applicant shall use the same procedure to notify the neighborhood of his or her successor
- 8 The Applicant shall provide to the ANC and the residences within 200 feet an annual report summarizing its compliance with the conditions
- 9 Existing wheel stops, signage, guardrail, parking space striping, and direction signage painted on pavement shall be properly maintained.
- 10 The Applicant shall, as necessary, repaint and maintain the entrance and exit directional arrows on the surface of the parking lot

Additional New Conditions

In addition to reinstating the prior conditions, the ANC requests the following additional conditions

- 1 **Installation of a permanent bike rack in the parking lot** – This will allow persons who bike to the owner's commercial building a place to securely park their bikes and will help reduce traffic into and out of the alley
- 2 **Installation of pervious paving** –The installation of pervious surfaces will minimize runoff and reduce an objectionable condition of the parking lot. The ANC is comfortable allowing the landlord to install the pervious paving over a period of 3 years
- 3 **Installation of increased shrubbery** – The installation of shrubbery will minimize runoff. The ANC believes the landlord should strive for zero runoff from the property

- 4. Provide Car Sharing – Given the prime location of the accessory parking lot and the thousands of residents who live within a 5 minute walk of the parking lot, it seems reasonable to condition the continued approval of the accessory parking lot on providing a community amenity, such as car sharing. We ask that the BZA, if it approves the application, require the landlord to allocate two spots in the parking lot to car sharing which will benefit the community at large**
- 5. All parts of the lot shall be kept free of refuse or debris and shall be paved (subject to condition 2) and landscaped.**
- 6. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.**
- 7. 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.**
- 8. The parking lot should be maintained free and clear of potholes and other surface issues that may cause damage to cars using the parking lot.**
- 9. One space be designated as a van accessible parking space with a minimum of 96" wide access aisle per ADA requirements.**

Commissioners Adam Tope and Malachy Nugent shall be authorized to speak on behalf of the ANC at any hearing on this matter

Thank you

Sincerely,

/s/ Adam Tope

Adam Tope
Chair, ANC 3F