



MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director, Development Review

DATE: May 6, 2014

SUBJECT: BZA Application No. 18752 – Request for a special exception under § 214 to continue the existing parking lot at 2330-2338 Wisconsin Avenue, N.W., last approved in BZA Case No. 16480 (1999)

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception:

- § 214, Accessory Parking Spaces.

The previous approval included a number of conditions which have either been satisfied or are repetitive of the criteria contained in § 214. The Office of Planning recommendation is subject to the following conditions, with deletions in ~~strikeout~~ and additions in **bold**.

1. Approval shall be for FIFTEEN (15) YEARS.
2. The parking spaces shall be striped and numbered.
3. ~~All areas devoted to driveways, access lanes and parking areas shall be maintained with a paving material forming an all-weather impervious surface.~~
4. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
5. ~~No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.~~
6. ~~All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Existing landscaping shall be maintained in a health growing condition. Existing fencing shall be maintained in a neat and orderly appearance.~~
7. ~~No 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.~~
8. ~~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.~~

9. The applicant considers adding landscaping and/or pervious materials should any repair work requiring the removal of the existing paving become necessary.
10. Submission of a plan documenting the location of all landscaping and fencing on the site.

The applicant has agreed to abide by the above conditions.

II. LOCATION AND SITE DESCRIPTION

Address	2330-2338 Wisconsin Avenue, N.W.
Legal Description	Square 1300, Lot 815
Ward	3B
Lot Characteristics	Trapezoidal through lot bordered by two streets, 37 th Street and Wisconsin Avenue, and no alley access.
Existing Development	Twenty-seven space surface parking lot accessed from 37 th Street with one-story buildings consisting of four retail spaces fronting Wisconsin Avenue.
Zoning	The property is split zoned: NO/C-2-A: - C-2-A: Medium Density Commercial - NO: Naval Observatory Precinct Overlay Zone NO/R-3: - R-3: Row Dwellings The existing commercial buildings on Wisconsin Avenue are zoned NO/C-2-A and the parking lot is zoned NO/R-3. Accessory parking lots permitted subject to special exception approval in the NO/R-3.
Surrounding Neighborhood Character	Commercial uses to the east; residential uses to the north, south and west.

III. APPLICATION IN BRIEF

Proposal	Special exception to permit the continuation of an accessory parking lot.
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IV. BACKGROUND

The subject parking lot was established in 1941, and the BZA has granted approval for this use at least five times, most recently on October 21, 1999. That case, Application No. 16480, was granted to continue the parking lot for a period of fifteen years, subject to the conditions noted on page one, a number of which have either been satisfied or mimic the special exception criteria.

V. OFFICE OF PLANNING ANALYSIS

i. Special Exception Relief pursuant to § 214, Accessory Parking Spaces

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 existing surface parking lot is located within an open area at the rear of the lot. No portion extends above the finished grade.

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

The accessory parking spaces are located on the same lot as the building they serve, with no space more than approximately 65 feet from the building.

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

The accessory parking spaces are located on the same lot as the building they serve. Special exception approval is necessary in this case because the lot is split zoned, with the accessory parking lot located within the NO/R-3.

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 under § 2303.3 modify or waive the conditions specified in § 2303.2 where compliance would serve no useful purpose.

The subject application is in conformance with the provisions of § 2303, as described below.

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 existing parking area is surfaced with bituminous pavement, in conformance with the above provision. However, since the last time the use was approved by the Board in 1999 the above provision has been modified to allow for pervious surfaces. Therefore, should the parking lot ever require major repairs the applicant should consider the use of pervious materials to minimize storm water runoff.

(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 existing parking lot is improved with wheel stops to ensure that no part of any vehicle projects over a lot or building 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;

No other use or structures are proposed to be conducted from the premises.

(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;

The nearest street intersection is approximately 235 feet from the entrance to the parking area, in excess of the minimum forty feet required.

(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

Existing lighting is confined to the surface of the lot, as was required under the previous approval (BZA 16480). No change to the lighting is proposed.

(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.

Approximately ten percent of the parking lot is landscaped with grass, trees and shrubs, in excess of the minimum five percent required. No changes to the landscaping are proposed. The applicant employs a management company for

the removal of refuse and debris. The applicant should submit a plan documenting the location and types of landscaping existing on-site.

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

(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.

The lot is screened from the north and the south by either wooden fences four to eight feet in height, or windowless party walls of adjacent structures. To the west, facing 37th Street, are four-foot high wooden fences with trees and shrubs between the fence and property line. To the east are the commercial uses the parking lot serves. No attendant's shelter is proposed.

Under the previous approval by the Board in 1999, BZA Order No.16480, the applicant was required to maintain existing fencing and landscaping. As the applicant is again requesting to provide wooden fencing and landscaping in place of 12 inch thick masonry walls, a plan should be submitted to the file indicating the location of all fencing and landscaping to be retained.

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.

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.

The applicant proposes to modify the condition under Sec. 2303.2(f) requiring a twelve-inch thick masonry wall to instead permit the use of wooden fencing. The wooden fences exist and were previously approved by the Board. In addition, a portion of the lot is also screened by the brick party walls of adjacent dwellings, with no windows facing the subject property. The Office of Planning finds that the continuation of this situation would not have an adverse effect on adjacent residential property and supports the modification, provided the applicant maintains the bumper stops for the protection of adjacent buildings.

2303.5 The Board may require any special treatment of the premises that it deems necessary to protect the value of adjacent property.

The Office of Planning suggests that the applicant consider the use of pervious paving materials for the lot should any major repairs become necessary. Pervious pavement has the potential to reduce storm water runoff from the site.

214.6 It shall be deemed economically impracticable 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:

- (a) Strip zoning or shallow zoning depth;*
- (b) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;*
- (c) Unusual topography grades, shape, size, or dimensions of the lot;*
- (d) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or*
- (d) Traffic hazards caused by unusual street grades or other conditions.*

The subject application is a request for the continuation of an accessory parking lot that has been in existence since 1941. The parking is located on the same lot as the principal building it serves. However, in this case the lot is split-zoned, requiring special exception approval to permit the accessory parking. It is also not feasible locate accessory parking beneath existing structures.

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

No changes to the existing parking lot are proposed, and the parking spaces are located adjacent to the commercial uses they serve. This parking has been in operation for almost three-quarters of a century at this location and the Office of Planning is unaware of any complaints resulting from its operation.

214.8 Before taking final action on an application for use as an accessory parking space, the Board shall submit the application to the D.C. Department of Transportation for review and report.

DDOT, in an email to the Office of Planning dated April 29, 2014, indicated that it had no objection to the application.

The Office of Planning concludes that the subject application is in conformance with the provisions of §§ 214 and 2303.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal would allow for the continuation of an existing accessory parking lot that would continue to serve the needs of the commercial businesses located on the east side of the lot facing Wisconsin Avenue, as provided under Section 214 of the Zoning Regulations.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposal would allow for the continuance of an accessory parking lot that has been in existence since 1941. Landscaping, fencing and bumper stops would serve to protect neighboring properties.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT informed the Office of Planning in an email dated April 29, 2014 that it had no objection to the application.

No other comments were received from District agencies.

VII. COMMUNITY COMMENTS

ANC 3B, at its regularly scheduled meeting of April 10, 2014, voted to support the application.

Attachment: Location Map

