



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: September 2, 2014

SUBJECT: **BZA Case 18809** - request for variance relief to operate a parking lot portion on property located at 1931 11th Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of special exception relief in accordance with § 213 subject to the submission of a workable site plan for the *entire* parking lot use on the subject lot 36 and adjacent lot 807, that conforms to § 2303.1 (f) (onsite landscaped equal to 5% of the parking lot area).

The addition of landscaping consistent with § 2303.1 (f) and replacement of the existing chain link fences along the public space is also suggested so this facility would better reflect and be more supportive of the ongoing revitalization of the U Street mixed-use corridor.

This application originally requested variance relief from § 330.5 as directed by a March 26, 2014, letter from the Office of the Zoning Administrator (OZA). This letter stated variance approval by the Board of Zoning Adjustment (BZA) was required for this proposal because parking lot uses *are not allowed* in the R-4 District under the regulations.

The OZA later determined that special exception relief in accordance with § 213 is the appropriate relief and not a variance.

II. LOCATION AND SITE DESCRIPTION:

Address:	1931 11 th Street NW
Legal Description:	Square 0333, Lot 0036
Ward:	1B
Lot Characteristics:	The 1,878 square-foot (0.17 acre) rectangular through lot is bounded by 14 th Street NW to the west, a public alley 12 feet wide to the east and developed properties to the north and south (reference Exhibit 1).
Zoning:	R-4 – a district consisting predominantly of row dwellings with substantial numbers of dwellings converted for 2 or more families. <i>Parking lots are allowed in R-1 through R-5 Districts with special exception approval in accordance with § 213.</i>
Existing Development:	A single paved parking lot that occupies the entirety of subject lot 36 and adjacent lot 807. The subject property in an R-4 District is striped for 5 parallel parking spaces along the southern property boundary; and adjacent lot 807 in an Arts/C-2-A District is striped for 10 angled spaces along the northern boundary. Vehicles enter and exit this facility via a single curb cut



	along the 11 th Street frontage along An east-west drive aisle that straddles the shared property boundary. A gated chain link fence 6-feet tall along the street and solid fence along the alley secure both properties (reference Figure 1 and Exhibit 1).
Historic District:	Greater 14 th Street
Adjacent Properties:	Two-story commercial buildings.

III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Industrial Bank of Washington, owner of record (lots 36 and 807)
Proposal:	To lease the existing parking facility to Parking Management Company. The parking use on lot 807 is allowed as a matter-of-right in the Arts/C-2-A District but this is not the case on the subject R-4 District property. In response to a Certificate of Occupancy application to operate a “Parking lot with nine (9) parking spaces” on the subject property, the OZA issued the letter referenced above stating that the R-4 District <i>does not allow</i> the proposed use. As a result, the applicant filed an application for BZA approval of a variance from § 330.5.
Relief Sought:	Variance relief from § 330.5 for the requested R-4 District parking use. This request raised a number of issues: • As previously noted, § 213 of the Zoning Regulation allows parking lots in all Residence Districts by special exception • The application stated that customers of the property owner and other neighborhood businesses park in the lot. The signed lease agreement noted that four parking spaces (on lot 807) are leased to Lee’s Flower & Card Shop weekdays from 9:00 AM to 6:00 PM on weekdays and 9:00 AM to 1:00 PM on Saturday. This proposal would, therefore, be a secondary use of the entire lot operating after 6:00 PM on weekdays. • The application did not include, nor could OP locate any administrative approval of a parking lot use on the either lot 36 or 807. • The submitted annotated plat shows the identical angled parking configuration on the subject property that currently exists on lot 807. The introduction of angled parking along the shared property boundary would eliminate the drive aisle currently used to access and exit this facility. For this reason, the proposed new parking layout for lot 36 appears to be unworkable. The OZA subsequently agreed that special exception approval in accordance § 213 is the appropriate relief in this case. The OP analysis that following focuses on the approval standards under this section. Repeated attempts to meet with the applicant to discuss the other identified issues were unsuccessful. It also appears that the existing facility has continued to operate for year without proper administrative approval.

IV. OP ANALYSIS:

Consistency with § 213

Use as a parking lot shall be permitted as a special exception in (a Residence) District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

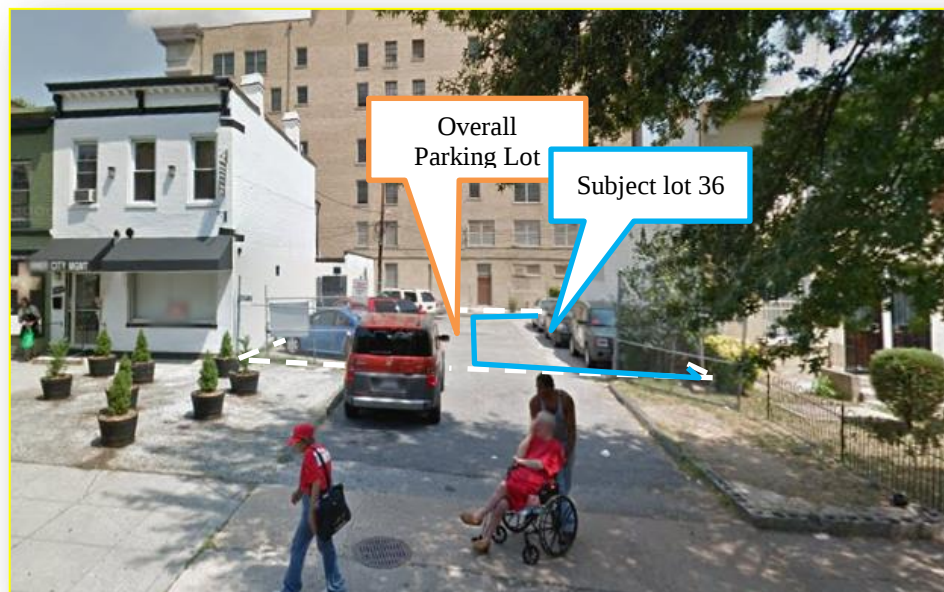
213.2 *A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial District.*

The subject R-4 District that covers the subject property and southern half of this existing parking lot is immediately adjacent to the Arts/C-2-A District that covers lot 807 and the northern half of the same parking lot.

213.3 *A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial District.*

The subject lot 36 is contiguous with the Arts/C-2-A District on lot 807.

Figure 1



213.4 *All provisions of chapter 23 of this title shall be complied with.*

The information was not provided by in the application. However, based on OP's review, the existing parking facility appears consistent with all applicable requirements (listed in Exhibit 2) except § 2303.1 (f) (landscaping onsite equal to 5% of the parking lot land area).

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 current operation has created objectionable traffic conditions. However, the changes proposed on the annotated plat would disrupt the existing circulation through the site and possibly require a wider curb cut along 11th Street NW.

213.6 *The parking lot shall 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 application indicated that the existing parking lot serves the needs of local businesses and the current property owner, the Industrial Bank of Washington.

- 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 application indicated that the existing lot serves the needs of local businesses.

- 213.8 *Before taking final action on an application for use as a parking lot, the Board shall submit the application to the D.C. Department of Transportation for review and report.*

OP requested District Department of Transportation (DDOT) comments in light of the change in the original OZA interpretation. Any agency comments would be provided under a separate cover.

Pending the receipt of any DDOT response, this application appears to generally meet the standards for special exception approval *except* that the submitted (and overall) site plan needs to be revised to: retain the existing vehicular circulation pattern through the site; and meet the landscaping standards under § 2303.1 (f).

Upgrading the streetscape along the public space would also benefit the neighborhood.

V. COMMUNITY COMMENTS

The applicant includes 6 form letters of support from local businesses. However, no resolution on this application from Advisory Neighborhood Commission 1B has been added to the case record file.

Attachment: Exhibit 1 Aerial of the Vicinity with Zoning
 Exhibit 2 Chapter 23 of the Zoning Regulations



BZA Application No. 18809



Office of Planning ~ July 29, 2014

Government of the District of Columbia

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.



2303 PARKING LOTS

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;
- (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;
- (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;
- (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;
- (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
- (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.*

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.

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.

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