

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: March 24, 2015

SUBJECT: BZA Case 18925, 6400 Georgia Avenue, N.W. (Rear: Tuckerman Street, N.W.).

I. OFFICE OF PLANNING RECOMMENDATION

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

- § 214, Accessory Parking Spaces

Subject to the following conditions:

1. Approval shall be for a period of five years;
2. Hours of operation shall be Monday through Saturday, 7:00 a.m. to 9:00 p.m.;
3. Gates at the entrance and exit shall be closed and locked when the lot is closed;
4. Fencing shall be maintained along the northern and eastern sides of the lot.
5. Pavement and wheel stops shall be repaired and/or replaced as necessary to maintain an all-weather surface. Parking lot striping shall be maintained in good condition and directional arrows shall be painted on the surface of the lot indicating the direction of traffic through the lot. Applicant should consider the use of permeable paving materials when appropriate.
6. Existing brick wall and cap shall be repaired and maintained in good condition.
7. Grass strip on the east side of the parking lot and the open space on the west side of the parking lot shall be kept free of refuse and maintained in a healthy growing condition.
8. Up to five dumpsters may be kept within the lot.
9. Location of the light pole shall be indicated on the plan.

II. LOCATION AND SITE DESCRIPTION

Address	6400 Georgia Avenue, N.W. (Rear)
Legal Description	Square 2945, Lot 852
Ward	4A
Lot Characteristics	Relatively level "L" shaped lot with alley access to the north and east
Zoning	R-1-B – low density one-family detached dwellings

Existing Development	Forty-space surface parking lot, permitted by special exception only. A masonry wall partially in a state of disrepair surrounds the lot to the west and the south. A chain link fence was recently installed along the northern and eastern lot lines, and chain link gates were added to the entrance and exit from Tuckerman Street. Five dumpsters serving uses within the building at 6400 Georgia Avenue are located on the north side of the lot. One light pole is located within the lot, and each space is improved with a wheel stop.
Adjacent Properties	North: Across public alley, one-family detached dwellings South: Across Tuckerman Street, church East: Across public alley, two-story commercial buildings West: One-family detached dwellings, including vacant lots
Surrounding Neighborhood Character	Low density residential, with commercial development along Georgia Avenue.

III. APPLICATION IN BRIEF

Proposal	Use of existing accessory surface parking lot located across a public alley to serve existing the two-story commercial building located at 6400 Georgia Avenue, N.W.
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IV. HISTORY

The subject property was established as an accessory parking about 1951 to serve the commercial building located at the northwest corner of Georgia Avenue and Tuckerman Street. That building has a lot occupancy of one-hundred percent and no parking is provided on-site. The BZA extended the approval of the use of the subject property as accessory parking four times since then, the last time pursuant to BZA Order 14998, which took effect on November 7, 1989, subject to the following conditions:

1. Approval shall be for a period of FIVE YEARS.
2. All parking areas devoted to driveways, access lanes, and parking areas shall be re-paved with a paving of material forming an all-weather impervious surface and shall be maintained in good condition at all times.
3. The parking lot layout shall be in accordance with the plat married as Exhibit No. 33B of the record. All parking spaces shall be demarcated with striping.
4. The existing brick fence shall be repaired and maintained in a neat and orderly manner. Wheel stops shall be erected and maintained.
5. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

6. 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.
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.

The approval granted in this order expired November 7, 1994, and aspects of the conditions appear to have not been complied with, particularly related to the maintenance of the site in good repair.

V. OFFICE OF PLANNING ANALYSIS

i. Special Exception Relief pursuant to § 214

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 lot is located in an open area.

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 no more 169 feet from the building to which they are accessory.

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

The spaces are separated only by an alley from the use to which they are accessory.

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.*

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 parking lot is surfaced in asphalt in a state of disrepair that requires repair and continued maintenance to ensure that an all-weather surface is maintained.

- (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 lot is surrounded by either chain link fencing or a masonry wall, preventing vehicles from projecting of any lot line or building line. The applicant also proposes to maintain wheel stops for each parking space.

- (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 is proposed to be conducted from 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;*

The vehicular entrance and exit are not located within forty feet of the intersection of Georgia Avenue and Tuckerman Street.

- (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*

The parking lot is improved with one light pole and the application indicates that the rays of the lighting are confined to the surface of the parking lot. The location of the light pole should be indicated on the plan.

- (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 application indicates that the parking lot would be kept free of refuse and debris. Although the application does not indicate the percent of the property devoted to landscaping, the applicant has agreed to maintain the existing grass strip on east side of the lot as landscaping and also the western portion of the property outside of the masonry wall as landscaped area, and to maintain these areas in a healthy growing condition.

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 parking lot would be screened from contiguous R-1 zoned lots to the west by a twelve inch thick and 42 inch high masonry wall, provided that wall is repaired and maintained. The remainder of the property not devoted to parking, including the large segment on the west side of the subject property, must be kept free of refuse and debris to comply with this criterion.

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.

No waivers or modifications were requested.

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.*

This criterion is not applicable.

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

The applicant has indicated that the lot would be open between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday. Therefore, the Office of Planning recommends that the parking lot be secured with fencing or a masonry wall on all sides and that the gates are secured when the lot is not in use to prevent illegal access and/or dumping on the site after-hours.

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*
- (e) Traffic hazards caused by unusual street grades or other conditions.*

It is impracticable to provide accessory parking spaces on the same lot as the commercial building located at 6400 Georgia Avenue because the existing building has a lot occupancy of one hundred percent.

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.

The subject parking lot has operated in this location for over sixty years, and is not likely to become objectionable provided it is adequately maintained and secured during after-hours.

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.

No comments were received from DDOT.

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

The proposal would permit an accessory parking lot within the R-1, located across a public alley from a commercial building with no off-street parking, to provide off-street to service that use as permitted by the Zoning Regulations.

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

The proposal would not appear to affect adversely the use of neighboring property provided it is adequately maintain, secured when not in use and screened from the residential properties to the north.

j. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

k. COMMUNITY COMMENTS

ANC 4A, at its regularly scheduled meeting of March 3, 2015, voted to support the application.

Attachment: Location Map

