

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

Application of Industrial Bank

BZA Application No. 19034

Hearing Date: September 15, 2015

Re: Square 333, Lot 0036 – R-4 (the “**R-4 Lot**”)
Square 333, Lot 807 ARTS/C-2-A (the “**Properly Zoned Lot**”)
The Parking Lot located at 1931 11th Street, N. W., Washington, DC 20001
(the R-4 Lot and Properly Zoned Lot are collectively referred to herein as the “**Parking Lot**”)

NATURE OF RELIEF SOUGHT

This is an application pursuant to 11 DCMR §3104.1 for special exception relief to allow the entire property located at 1931 11st Street, N.W., Washington D.C. (the Parking Lot, as defined above) to continue to be used as a parking lot serving the commercial business district within the U Street Corridor. The Parking Lot is located in the Historic U Street Corridor, and although this Parking Lot consists of two (2) separately zoned parcels, the Parking Lot has been used as one contiguous parking lot by the local business community for several decades.

The Parking Lot is owned by Industrial Bank (the “**Applicant**” or the “**Bank**”), and is currently divided into two (2) parcels of land: 1) Square 333, Lot 0036 (zoned as R-4) and 2) Square 333, Lot 807 (zoned as ARTS/C-2-A). Square 333, Lot 807 has been used as a parking lot for several decades, and is permissible under the Zoning Regulations. Square 333, Lot 807 is adjoined to the R-4 Lot, which is currently zoned for residential use.

This special exception relief requests the continued use of the R-4 Lot as a parking lot, to ensure the continued use of the *entire* Parking Lot, for the benefit of the U Street Business Community.

INDUSTRIAL BANK’S ACTIVE COMMUNICATION WITH THE OFFICE OF PLANNING, THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF ZONING

It is important to note that to ensure conformance with the spirit of the District of Columbia’s Zoning Regulations, Industrial Bank has been proactive in communicating with the D. C. Office of Planning, the D. C. Department of Transportation and the D. C. Office of Zoning. Industrial Bank has had multiple conversations with representatives of the above noted agencies to address cost vs. compliance concerns.

These agencies have been especially helpful to the Bank in its efforts to meet the Zoning requirements and recommendations, and this Pre-Hearing Statement is submitted as a result of these conversations.

Industrial Bank believes that the requests contained herein are in harmony with the general purpose and intent of the Zoning Regulations, and will not adversely affect the use of the neighboring properties or the community that this neighborhood Parking Lot serves.

INDUSTRIAL BANK’S REQUESTS FOR WAIVERS OF CERTAIN AGENCY RECOMMENDATIONS

The Bank is requesting waivers of certain Parking Lot improvement recommendations (the “**Recommendations**”) made by the i) Board of Zoning Adjustment (the “**BZA**”) at the hearing in June 2015, ii) D. C. Office of Planning (the “**OP**”) in its Memorandum to the BZA dated June 23, 2015 and iii) D. C. Department of Transportation (“**DDOT**”) in its Memorandum to the BZA dated June 23, 2015. These Recommendations and requests are explained below and summarized in the chart attached as Exhibit A.

REQUIREMENTS AND RECOMMENDATIONS OF THE OP, DDOT AND THE BZA, AND INDUSTRIAL BANK’S REQUESTS

1. Landscaping on Five percent (5%) of Total Area of Parking Lot – The Bank is respectfully requesting a variance from 11 DCMR §2303.1(f) which requires, in relevant part, that “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.” This variance may be granted if i) there is a unique characteristic associated with

the Parking Lot, and ii) the existence of this unique characteristic causes strict application of this Zoning Regulation to result in a hardship to the Bank.

This Parking Lot is unique because i) it consists of two (2) legally separated, contiguous, completely paved parcels; ii) of its historical use as one contiguous parking lot for several decades; iii) it is located in the Arts District and serves the customers of many historic businesses including The Lincoln Theater, Lee's Flower Shop and Ben's Chili Bowl; and iv) the Bank recently invested in landscaping at the Parking Lot site, by installing the landscaping on the public space at the front entrance. Photographs of the Bank's recent landscaping investment are attached hereto as Exhibit B.

Since Industrial Bank has invested in landscaping for the *entrance* of the Parking Lot, the Bank is requesting a waiver of the requirement of landscaping that portion of the Parking Lot *inside of the fence*. This Parking Lot is currently paved in its entirety, and to add permanent landscaping to the Parking Lot would be a financial and laborious hardship as it would require i) breaking up and removal of the current pavement and asphalt and ii) additional investment in soil, greenery, installation & maintenance. As noted above, soon after the June 2015 hearing, Industrial Bank invested in landscaping at the Parking Lot site. The Bank installed landscaping at either side of the entrance of the Parking Lot on the 11th Street, on public space, to ensure compliance with the OP's initial Recommendation. The Bank is therefore requesting that it not be required to invest additional funds into landscaping the Parking Lot site.

In lieu of providing the landscaping required by 11 DCMR §2303.1(f), the Bank will continue to maintain the landscaping it installed on the public space as a condition of receiving the certificate of occupancy, if this special exception relief application is approved.

2. **Screening Requirement** – The Bank is requesting a waiver of the screening requirement pursuant to 11 DCMR §2303.3. The Bank has determined that it is cost-prohibitive to build a masonry wall to screen the residential property due to the estimated cost of \$5,000 to \$8,000.

11 DCMR §2303.2 requires that the Parking Lot be screened from all contiguous residential property by a solid brick or stone wall at least 12 inches thick and 42 inches high, or, by evergreen hedges or evergreen trees that are thickly planted and maintained. In its memo, the OP noted that there are no contiguous properties in the R-1, R-2 or R-3 Districts, and that the south side of the lot would be screened from the R-4 Lot by the party wall shared with the row house on the property to the south.

In lieu of the screening required 11 DCMR by §2303.2 and the landscaping required by 11 DCMR §2303.1(f), if approved, the Bank will i) install privacy slats within the chain link fence at the front entrance of the Parking Lot and ii) continue to maintain the landscaping that the Bank installed on the public space which is located directly in front of the parking lot.

3. **Security for Parking Lot** – The OP raised security concerns regarding the Parking Lot, and the Bank has addressed the security concerns by hiring a parking lot attendant to be present at all times when the gate/fence is not locked. This Attendant will man the Parking Lot during the day, and the evening parking lot service will lock the gate when it closes for business at night. The Parking Lot will be locked at all times when there is no attendant manning the Parking Lot.
4. **Lighting of Parking Lot** – To address security concerns, OP, DDOT and the BZA recommended that the Bank install lighting for the Parking Lot. There is currently motion detected lighting located on the party walls of the adjacent structures, and this lighting is directed onto the surface of the parking lot from the adjacent property. Also, the evening parking attendant utilizes portable lighting to light the Parking Lot during the night time hours (with a neighboring business supplying the power source).

The Bank believes that this existing lighting combined with the presence of onsite physical monitoring by the evening parking attendant will provide sufficiently lit security onto the Parking Lot.

It should be noted that the Bank is exploring the installation of solar-powered lighting, since an independently operated wired lighting system would require expensive installation of electrical supply source. The Bank has confirmed that the estimated cost for PEPCO class of service and to install an electrical source for stand along lighting is approximately \$10,000.00, which is cost prohibitive for the Bank at this time.

5. **Camera System** - The Bank is requesting a waiver of the BZA's Recommendation to install a camera system to address security concerns, because the estimated cost of \$6k to \$8.5k is cost-prohibitive.

Proper camera installation would require mounting the cameras onto the adjacent properties, which the Bank does not own. Also, the Bank has confirmed that a camera system would require either i) installation of electrical supply, or ii) use of a wireless camera system, both of which are cost-prohibitive. Installation of a wireless camera system has been priced at approximately \$6,000.00, and the Bank has confirmed that installation of wired cameras is cost prohibitive at an estimated total cost of \$8.5k (equipment cost at approximately \$6k; installation cost of approximately \$2,500).

6. **Fencing/Gate – Locked at all times** - The Bank is requesting a waiver of the OP's Recommendation to keep the gate/fence closed at all times because this will cause a hardship to the customers who utilize the parking lot during the day and in the evenings. The Parking Lot's gate will be locked when there is no parking attendant present.
7. **Rear Fencing – Installation of a Gate** – The Bank is requesting a waiver of the OP and DDOT's Recommendation that a gated fence be installed at the rear of the parking lot due to the significant cost of installing a new fence. The cost to install a new gated fence has been estimated at \$ \$10,000 to \$19,000, which is cost-prohibitive to the Bank at this time. Since the Bank will have a parking attendant overseeing the lot to ensure proper ingress and egress, a waiver of the installation of the gate at the rear of the parking lot is being requested.

During telephone conversations with the Bank, DDOT expressed safety concerns regarding parking lot's ingress/egress process as identified in its proposed Site Plan, and therefore, DDOT recommended that the Bank install a gated fence at the rear of the parking lot. DDOT's Recommendation for installation of the rear gated fence would permit cars to exit the parking lot onto the public alley at the rear of the parking lot. This Recommendation was made because the current single point-of-entry creates the risk that vehicles may exit the parking lot by reversing onto 11th Street - the Bank agrees that any reverse method of exiting the property is dangerous and unacceptable.

Currently, authorized vehicles enter the parking lot from 11th street, and to exit the parking lot, vehicles turn around within the parking lot and head out onto 11th street - there is no reversing onto 11th street by vehicles which are authorized to park on this lot.

As mentioned previously, the Bank has hired a parking attendant to ensure enforcement of the proper method of ingress/egress as well as to ensure that other safety precautions continue. There will also be a parking attendant overseeing the lot during the evening hours as well. The parking lot gate will be locked when there is no parking attendant present.

8. **Paving/Asphalt Repair** – The OP and DDOT recommended that the Bank repair the broken asphalt on the parking lot. Industrial Bank will complete the repair the asphalt of the parking lot by September 10, 2015.
9. **Signage**: The OP and BZA recommended signage restricting use of the Parking Lot and identifying contact information. This signage requirement is COMPLETE. See attached Exhibit B for a photograph evidencing this requirement.
10. **Landscaping**: The OP recommended landscaping at the entrance of the Parking Lot. This landscaping requirement is COMPLETE. See attached Exhibit B for a photograph evidencing this requirement.
11. **Debris/Weed Removal**: The OP reinforced the requirement that the debris and weeds be removed from the Parking Lot. This requirement is COMPLETE. See attached Exhibit B for a photograph evidencing this requirement.
12. **Security**: The OP and BZA recommended ongoing monitoring of the Parking Lot. Since a parking lot attendant has been hired, this requirement is COMPLETE.

CONCLUSION

For the reasons stated above, Industrial Bank believes that the requested special exception relief and waivers of the formal recommendations can be granted without impairing the intent, purpose and integrity of the Zoning Regulations. The Applicant therefore, respectfully requests that the above noted waivers be granted.

EXHIBIT A

**Parking Lot
Recommendation Status**

**Parking Lot
Recommendation Status
as of
September 4, 2015**

OP/DDOT/BZA Recommended Item:	Status:
Landscaping: Beautification of street entrance.	COMPLETE
Screening: Brick wall, trees or shrubbery.	Requesting Waiver of this Requirement
Security: Ensure ongoing monitoring of the Parking Lot by the full-time Parking Lot Attendant.	COMPLETE
Lighting: Motion detected lighting from adjacent property is currently lighting the parking lot. The Bank will supplement the motion detected lighting by installing solar lighting.	COMPLETE. Research of supplemental lighting to be completed by September 15, 2015.
Cameras: Install to monitor Parking Lot.	Requesting Waiver of this Requirement
Fencing/Gate: Keep locked at all times; parking attendant will ensure traffic and safety of the parking lot.	Requesting Waiver of this Requirement
Rear Fencing/Gate: Add rear fence for cars to exit the parking lot onto public alley; parking attendant will oversee maneuvering of cars to ensure safety.	Requesting Waiver of this Requirement
Paving: Repair asphalt on Parking Lot. The Bank will also add striping and wheels stops.	To Be Completed by: September 10, 2015.
Signage: Restricting use of the Parking Lot and identifying contact information	COMPLETE
Green Landscaping on Parking Lot: 5% of the Parking Lot must be landscaped.	Requesting Waiver of this Requirement
Debris/Weed Removal: Debris and weed removal.	COMPLETE

EXHIBIT B

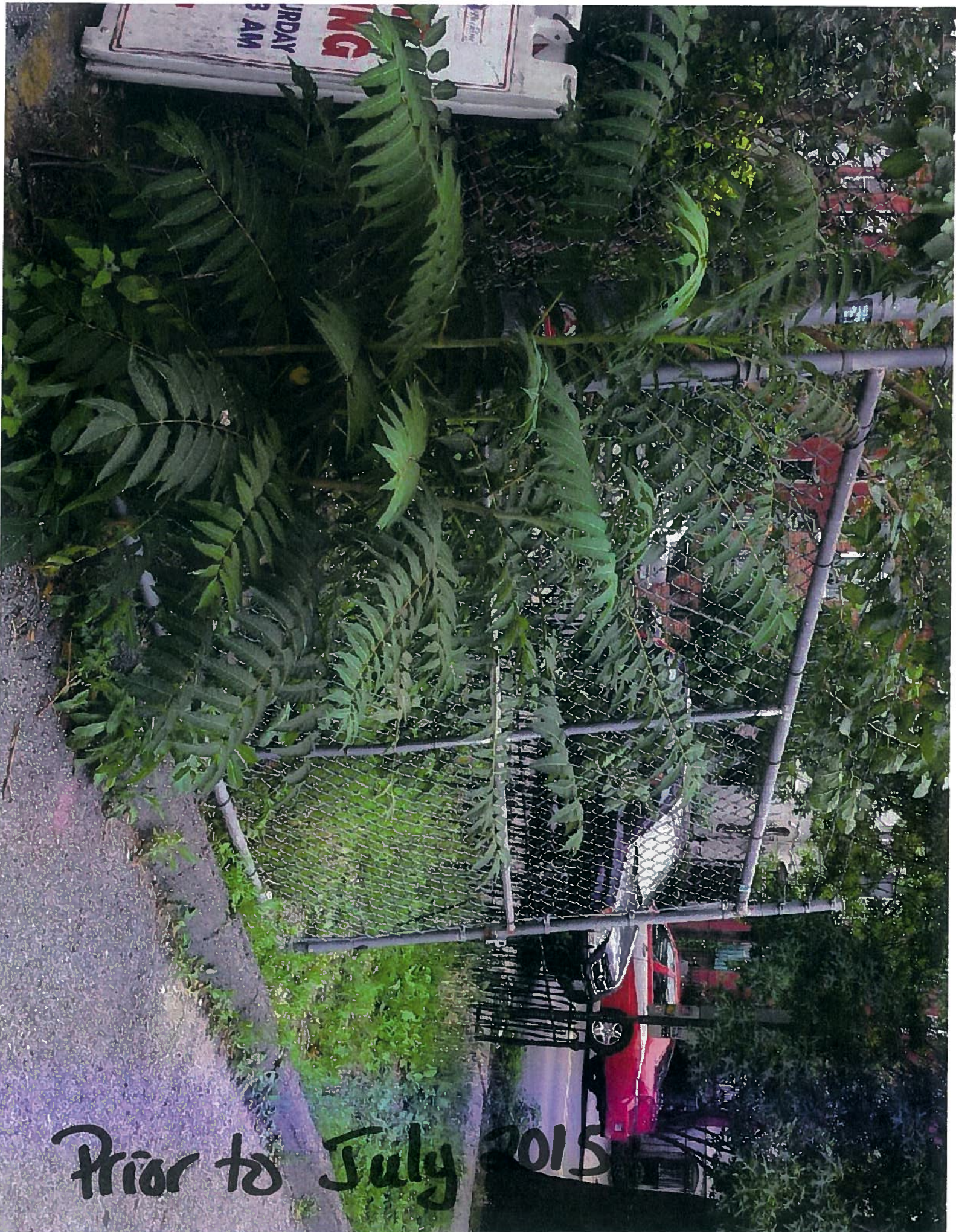
**Parking Lot Photographs
Landscaping, Signage**



Curraas of September 2015



Current (as of July/Aug 2015)



Prior to July 2015