BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

Application of Jemal's Gateway/ Douglas Development Corporation,

BZA Application No. 16656
Public Hearing: January 16, 2001
ANC 4A

BZA
Case No. 16656
Exhibit No. 26

STATEMENT OF THE APPLICANT

I.
Nature of Relief Sought

This is an application, pursuant to 11 DCMR 3104, for a special exception under Section 214 for the continuation of an existing accessory surface parking lot to serve adjacent retail establishments in an R-1-B District at premises 7820 Georgia Avenue, N.W. (also known as 7830-42 Eastern Avenue, N.W. and 7800 Alaska Avenue, N.W.) (Square 2960, Lot 17) ("Subject Property"). Jemal's Gateway D.C., LLC through Douglas Development Corporation (the "Applicant") requests this relief in order to continue the operation of the parking lot located at the subject site serving surrounding retail establishments. The Subject Property has been used as a parking lot for fifty years, having been first approved by the Board in 1949, by Order No. 2385. The most recent approval of the Board was given by Order No. 14317 on October 22, 1985.

II.
Background

The Subject Property is located where Eastern Avenue, Georgia Avenue, Kalmia Road and Alaska Avenue, N.W. converge, just southwest of the District border with Montgomery County, Maryland. (See Exhibit A.) The parking lot is accessed off of Kalmia Road and through an alley off of Eastern Avenue. The parking lot is located in the R-1-B Zone District, and the adjacent

Board of Zoning Adjustment
District of Columbia
CASE NO.16656
EXHIBIT NO.26

commercial uses, to which the parking lot is accessory, are located in the C-2-A Zone District. (See Exhibit B.) The parking lot contains approximately 30,000 square feet of land area and is used by the abutting retail buildings. There are residential neighborhoods, made up primarily of single family homes, to the west and south. To the north and east, along Georgia Avenue and Eastern Avenue there are many retail establishments.

The Board most recently approved the use of the parking lot in 1985, in BZA Order No. 14317. (See Exhibit F.) That order has lapsed. Subsequently, the Applicant purchased the Subject Property and began renovating the retail space and bringing in new tenants. The Applicant also learned that parking lot approval was necessary and that the most recent approval had expired and took affirmative steps to re-establish that approval.[1] In addition to renovating the retail stores and upgrading the overall image of the property, the Applicant has kept the parking lot very well maintained and well-run, and there have been no complaints from nearby property owners. The subject lot is used strictly as self-park, short-term parking for the adjacent retail uses. No all-day parking is provided. The lot is open on weekends for neighborhood church parking, as well as for surrounding residents. This application contemplates approximately 100 parking spaces.

III.
Jurisdiction of the Board

This Board has jurisdiction under Section 3104 to grant a special exception as provided under Section 214 of the Zoning Regulations.

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[1] As shown in Exhibit C, due to the parking lot's layout and adjacency to the retail stores, the parking lot actually appears commercial in character, but is in fact zoned residential.

IV.

Exhibits in Support of the Application

In support of this application, the Applicant offers the following exhibits:

Exhibit A: Copy of portion of the Sanborn Atlas for the area with the Subject Property outlined in red.

Exhibit B: Copy of portion of Zoning Map for the area with the Subject Property outlined in red.

Exhibit C: Photographs of the Subject Property.

Exhibit D: Copy of survey of the Subject Property showing number of parking spaces, landscaping, distance from nearest intersection, the existing masonry screen wall and the lighting for the parking lot.

Exhibit E: Copy of traffic/parking analysis.

Exhibit F: Copy of most recent BZA Order approving the parking lot use.

Exhibit G: Outline of testimony of Paul Millstein, representative of Douglas Development.

Exhibit H: Outline of testimony of Cullen Elias, of O.R. George and Associates, Inc., traffic expert.

V.

The Applicant Complies With the Requirements of Section 214

Uses that are allowed by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. In reviewing applications for a special exception under the Zoning Regulations, the BZA's discretion is limited

to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites of the Regulations are satisfied, the Board ordinarily must grant the application. See, e.g., Bakers' Local Union No. 118 v. District of Columbia Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

A. Subsection 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.

As shown from the survey and photos of the site, and as the Board found in Order No. 14317, Finding of Fact (FF.) No. 8, all of the parking spaces in this accessory parking lot are in an open area and are at the same level as the adjacent finished grade.

B. Subsection 214.3: Accessory Parking Spaces Shall Be Located In Their Entirety Within Two Hundred Feet Of The Area To Which They Are Accessory.

The accessory parking spaces are located in their entirety within 200 feet of the retail uses to which they are accessory as shown in the photos and survey, attached as Exhibits C and D respectively. (See also Order No. 14317, FF. No 8.)

C. Subsection 214.4: Accessory Parking Spaces Shall Be Contiguous To Or Separated Only By An Alley From The Use To Which They Are Accessory.

The subject parking spaces are contiguous to or only separated by a public alley from the retail buildings to which they are accessory. (See Exhibit D; See also Order No. 14317, FF. No. 8.)

D. 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 Section 2303.3 Modify Or Waive The Conditions Specified In Section 2302.2 Where Compliance Would Serve No Useful Purpose.

Chapter 23 of Title 11 of the DCMR, describes the specific requirements that all parking lots must meet. Among other things, Section 2303 requires that: (i) the parking lot surface be a

minimum of four inches in thickness and paved with a material approved by the D.C. Department of Public Works as being all weather impervious; (ii) no vehicle using the parking lot project over any lot line or building line; and (iii) no other use be conducted on the subject site and no other structure stand on the lot except those uses or structures otherwise permitted in the R-1-B District. The subject parking lot meets these requirements. Its compliance with these requirements is evidenced by the issuance of the prior Certificate of Occupancy for the parking lot as well as Findings of Fact Nos. 10, 11 and 12 of Order No. 14317. (See Exhibit F.) The survey and photographs of the subject parking lot also show its compliance with these requirements.

The other requirements mandated by Section 2303 are also met. First, as shown on the survey, there is no vehicular entrance or exit is within forty (40) feet of a street intersection. (See Exhibit D.) The parking lot is lighted such that all direct rays of light are confined to the surface of the parking lot. (See Exhibits C and D; see also Order No. 14317, FF. No. 14.)) The Applicant keeps the subject parking lot free of debris and in excellent condition. The survey attached as Exhibit D shows that at least five percent of the parking lot is landscaped. The parking lot is screened from all contiguous residential property by a solid masonry wall that is at least twelve inches thick and forty-two inches high. (See Exhibits C and D.)

Section 2303.3 allows that the Board may waive the screening requirements based upon the conditions specific to the subject parking lot and any potential adverse conditions that would be caused by waiver of these standards. In the case at hand, the Applicant is not asking the Board to waive any of the screening requirements.

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

E. 214.6: It Shall Be 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.

The Subject Property is split-zoned, with a strip approximately 100 feet deep along Georgia and Eastern Avenue falling within the C-2-A Zone District. The remainder of the Subject Property is zoned R-1-B. The retail stores occupy one hundred percent of the commercially zoned area. The retail stores and the parking lot are located on the same lot, but it is physically impossible to locate the parking spaces within the principal buildings because there is no excess room for parking spaces and the stores occupy all of the C-2-A Zone District. (See Order No. 14371, FF. No. 7.) Because the retail buildings provide no parking, the subject parking lot is necessary to serve existing permitted commercial uses.

F. 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.

This parking lot does not create conditions objectionable to its neighbors. Since the Applicant has owned the property, it has never had a complaint about noise or operations of the parking lot. The parking lot does not generate objectionable amounts of traffic. In fact, the parking lot serves to pull parking off nearby streets, such that elimination or discontinuance of the subject parking lot would likely create a significant shortage of parking in the neighborhood. (See Exhibit E.)

F. **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 Public Works For Review And Report.**

It is our understanding that the application has been referred to the Department of Public Works and a report is awaited.

VI.
Community Contacts

The Applicant is not aware of any opposition from any members of the community regarding this application. The subject parking lot falls within Advisory Neighborhood Commission 4A. ANC 4A voted not to oppose the application. The Applicant also contacted the abutting ANC, ANC 4B, but received no response.

VII.
Applicant Complies With Subsection 3104 Of The Zoning Regulations

The approval of the application to allow the continued operation of the accessory parking lot will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely, the use of neighboring properties.

VIII.
Witnesses

A. Paul Millstein, Douglas Development Corporation.

B. Cullen Elias, O.R. George and Associates, Traffic Expert.

IX.
Conclusion

For the reasons set forth above, it is respectfully submitted that the Applicant has established that the relief requested may be granted in accordance with the requirements of the Zoning Regulations.

Respectfully submitted,

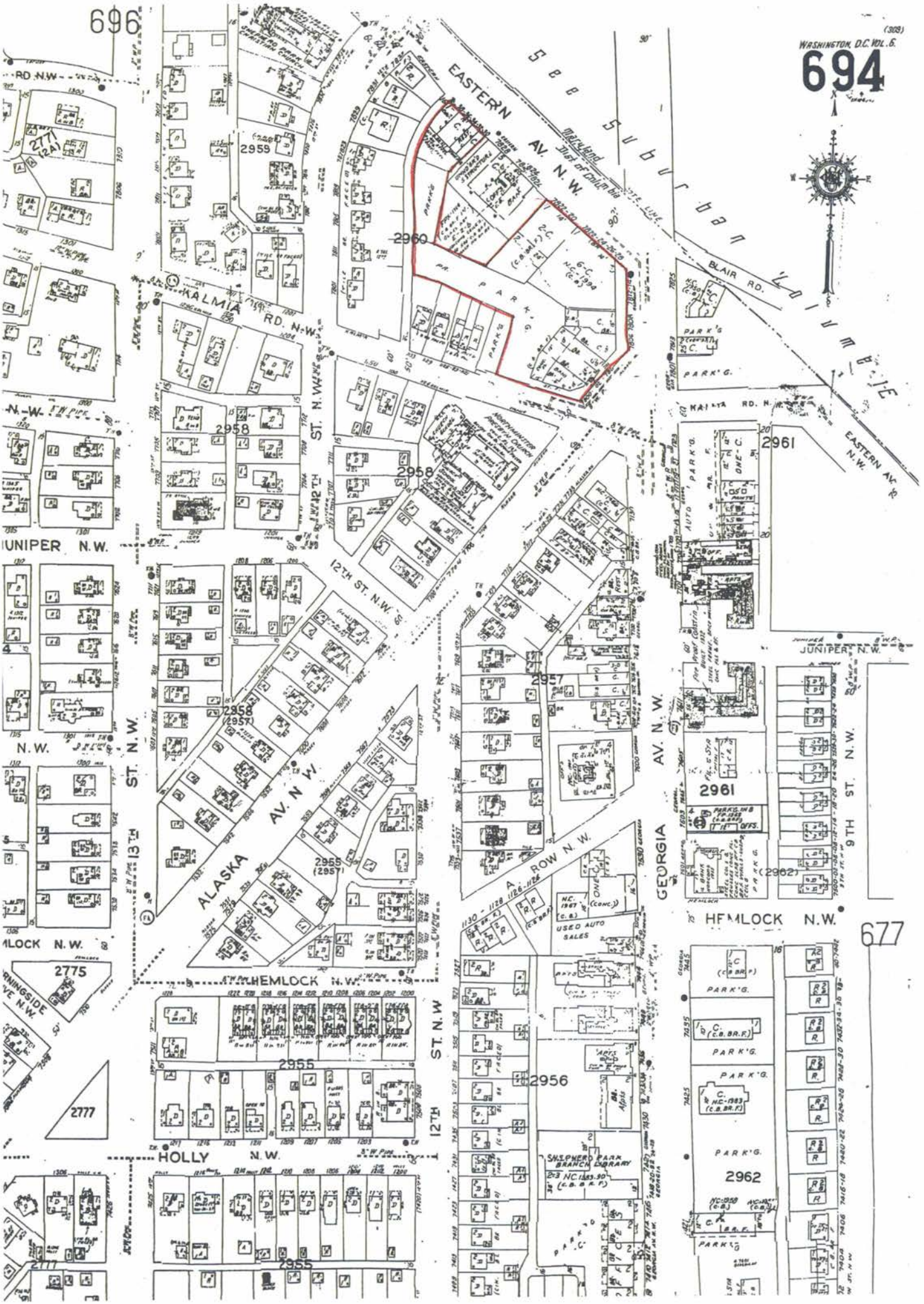
Shaw Pittman

By: _____
John T. Epting

_____
Sarah E. Shaw

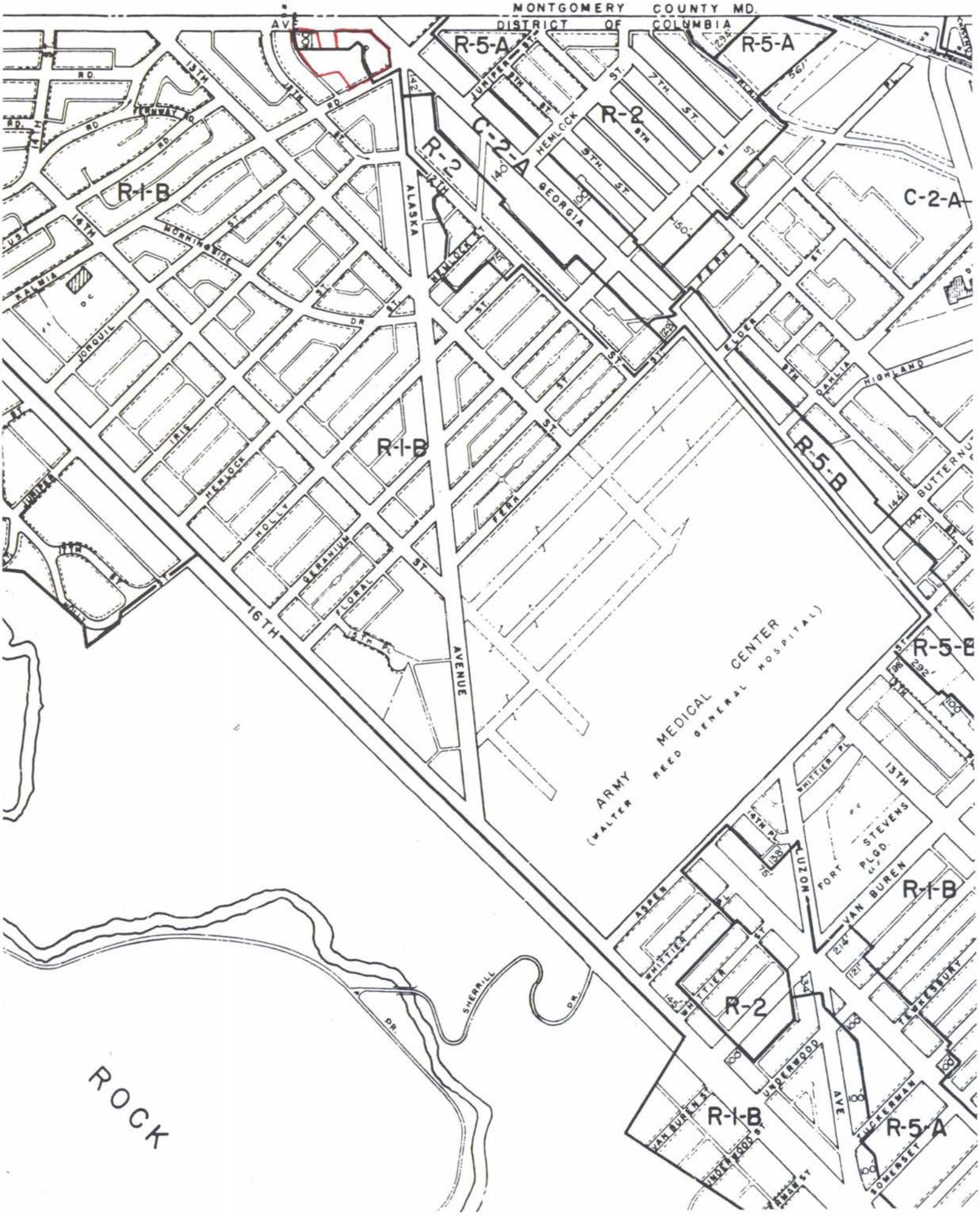
Date: December 29, 2000




696
(309)
WASHINGTON, D.C. VOL. 6.
694
See suburban volume
EASTERN AV. N.W.
Maryland
Dist of Colum bia
BLAIR RD.
KALMIA RD. N.W.
2959
2960
2958
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2957
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2962
2775
2777
ST. N.W.
12TH ST. N.W.
13TH ST. N.W.
9TH ST. N.W.
ALASKA AV. N.W.
GEORGIA AV. N.W.
A ROW N.W.
HEMLOCK N.W.
HOLLY N.W.
JUNIPER N.W.
677
PARK'G.
USED AUTO SALES
SHEPHERD PARK BRANCH LIBRARY


694 A
RD.
STREET
13-TH.
KALMIA
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ST.
QUIL
13TH
2959
EASTERN
AVENUE
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Sq 2766
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12-TH.
KALMIA
ROAD
GEORGIA
AVENUE
2773
807
2958
JUNIPER
AVE.
KALMIA
ALASKA
AVE.
13TH
2775
HEMLOCK
2955
2957
GEORGIA
12TH
ROAD




MONTGOMERY COUNTY MD.
DISTRICT OF COLUMBIA
R-5-A
R-5-A
R-2
C-2-A
C-2-A
R-2
R-1-B
R-1-B
R-1-B
R-5-B
R-5-B
R-5-B
R-1-B
R-2
R-1-B
R-5-A
16TH
AVENUE
ARMY MEDICAL CENTER
(WALTER REED GENERAL HOSPITAL)
FORT STEVENS
PLGD.
ROCK
SHERRILL DR.
DR.
ALASKA
GEORGIA
HEMLOCK
7TH ST.
5TH ST.
9TH ST.
13TH ST.
14TH ST.
MORNINGSIDE
KALMIA
JORQUIL
IRIS
HEMLOCK
MOLLY
GERANIUM
FLORAL
PENN
ELDER
DAHLIA
HIGHLAND
BUTTERNUT
WHITTIER PL.
WHITTIER
ASPEN
LUZON
VAN BUREN
TUCKERMAN
SOMERSET
UNDERWOOD
AVE.
142'
140'
150'
129'
56'
292'
214'
121'
134'
145'
138'
100'
80'
60'





VIEW OF PARKING LOT FROM KALMIA ROAD, N.W.



VIEW OF PARKING LOT FROM WEST



VIEW OF PARKING LOT FROM NORTH



VIEW OF PART OF RETAIL STRIP ALONG EASTERN AVENUE THAT IS SERVICED BY SUBJECT PARKING LOT



VIEW OF PART OF RETAIL STRIP ALONG GEORGIA AVENUE THAT IS SERVICED BY SUBJECT PARKING LOT



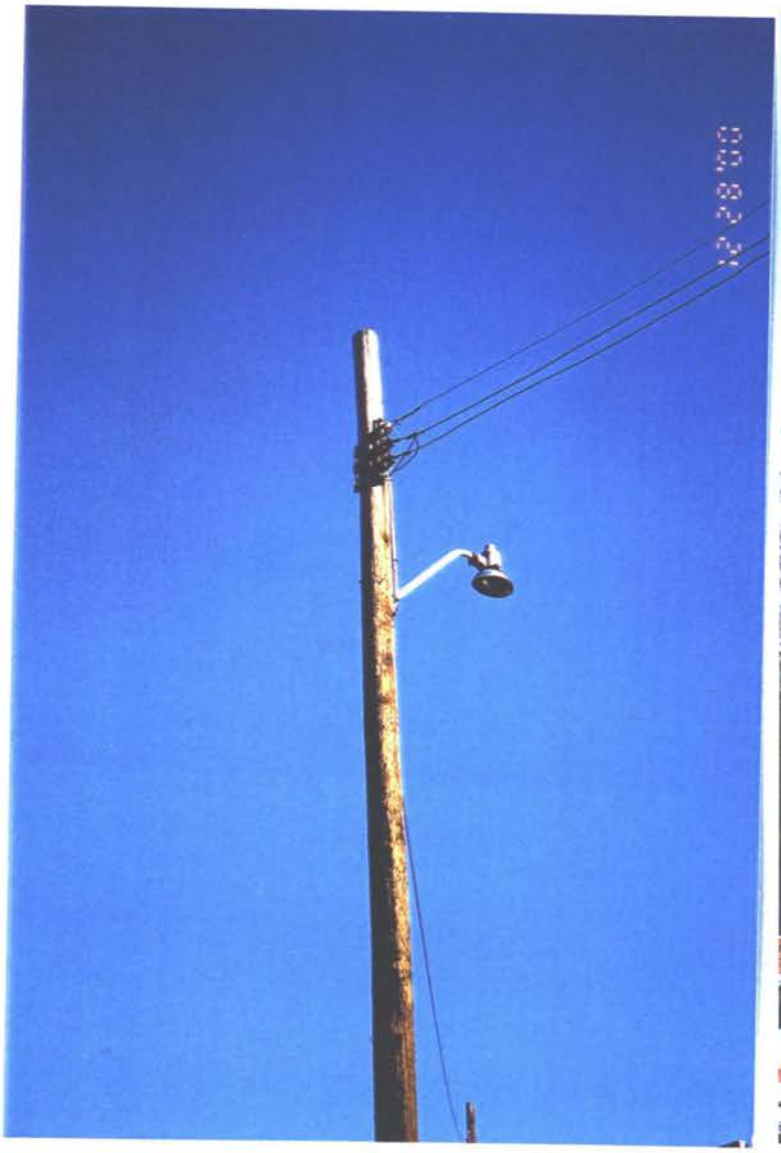
VIEW OF RETAIL AT KALMIA ROAD AND ALASKA AVENUE THAT IS SERVICED BY SUBJECT PARKING LOT







WALLS SEPARATING PARKING LOT FROM CONTIGUOUS RESIDENTIAL USES





SAMPLES OF THE TWO TYPES OF LIGHTING USED ON THE PARKING LOT –
LIGHT FROM BOTH DIRECTED AT THE SURFACE OF THE PARKING LOT



EXHIBIT 26D

FROM

CASE 16656

HAS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE



Technical Memorandum:

TRAFFIC AND PARKING ASSESSMENT - JEMAL'S GATEWAY RETAIL CENTER (SQUARE 2960) ACCESSORY PARKING LOT, BOARD OF ZONING ADJUSTMENT DISTRICT OF COLUMBIA

(Application No. 16656)

Prepared for:

DOUGLAS DEVELOPMENT CORPORATION
702 7th Street, N.W.
Washington, D.C. 20036

Correspondents:

SHAW-PITTMAN, P.C.
John T. Epting, Esquire
Sarah E. Shaw, Esquire

Prepared by:

O. R. GEORGE & ASSOCIATES, INC.
1738 Elton Road, Suite 321
Silver Spring, Maryland 20903
(301) 439-7722

December 29, 2000

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A - Existing Traffic Turning Movement Count Summary

O. R. GEORGE & ASSOCIATES, INC.

Traffic Engineers – Transportation Planners

1738 Elton Road, Suite 321 • Silver Spring, MD 20903
Tel: (301) 439-7722 • Fax: (301) 439-7759

TECHNICAL MEMORANDUM

DATE: December 29, 2000

TO: Douglas Development Corporation/Jemal's Gateway Center
Attn: Paul Millstein

FROM: Osborne R. George/Cullen E. Elias

RE: Jemal's Gateway (Square 2960) Accessory Parking Lot BZA Application

1.0 INTRODUCTION

1.1 Study Background

The Douglas Development Corporation is the owner of the retail development situated within the southwest quadrant of the Georgia Avenue/Eastern Avenue intersection, in northwest Washington, D.C. This parking lot has existed since 1949. The retail uses are supported by an accessory surface parking lot within the R-1-B zoning category. The latter use has received approvals by the City, over the years. The Applicant now needs to have this accessory use approved again by the City's Board of Zoning Adjustment. Information provided by the Applicant indicates that no change is planned in either the existing abutting retail uses or in the configuration and use of the accessory parking lot.

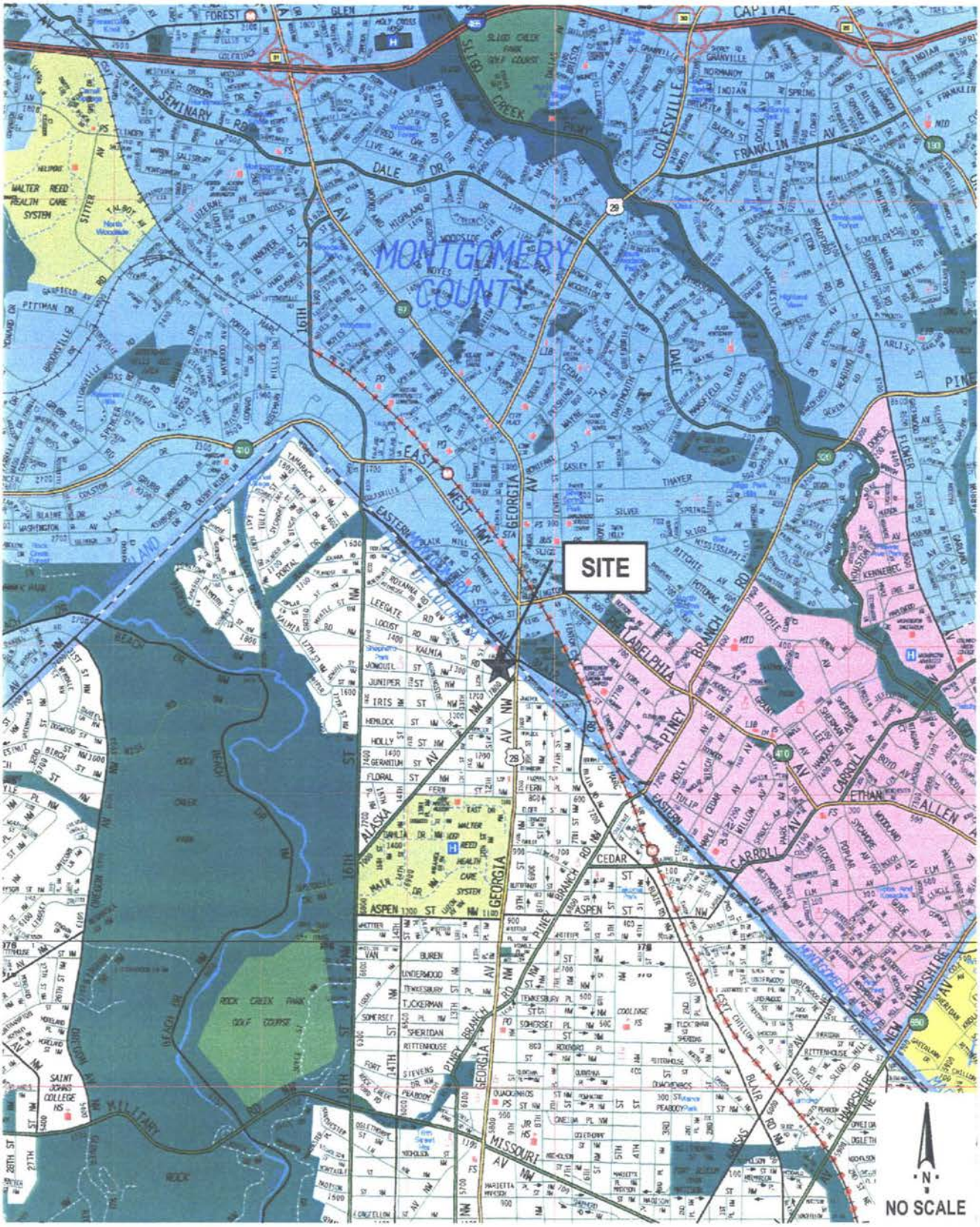
1.2 Study Purpose and Scope

Section 214.7 of the District of Columbia Municipal Regulations (Title 11: Zoning) stipulates that:

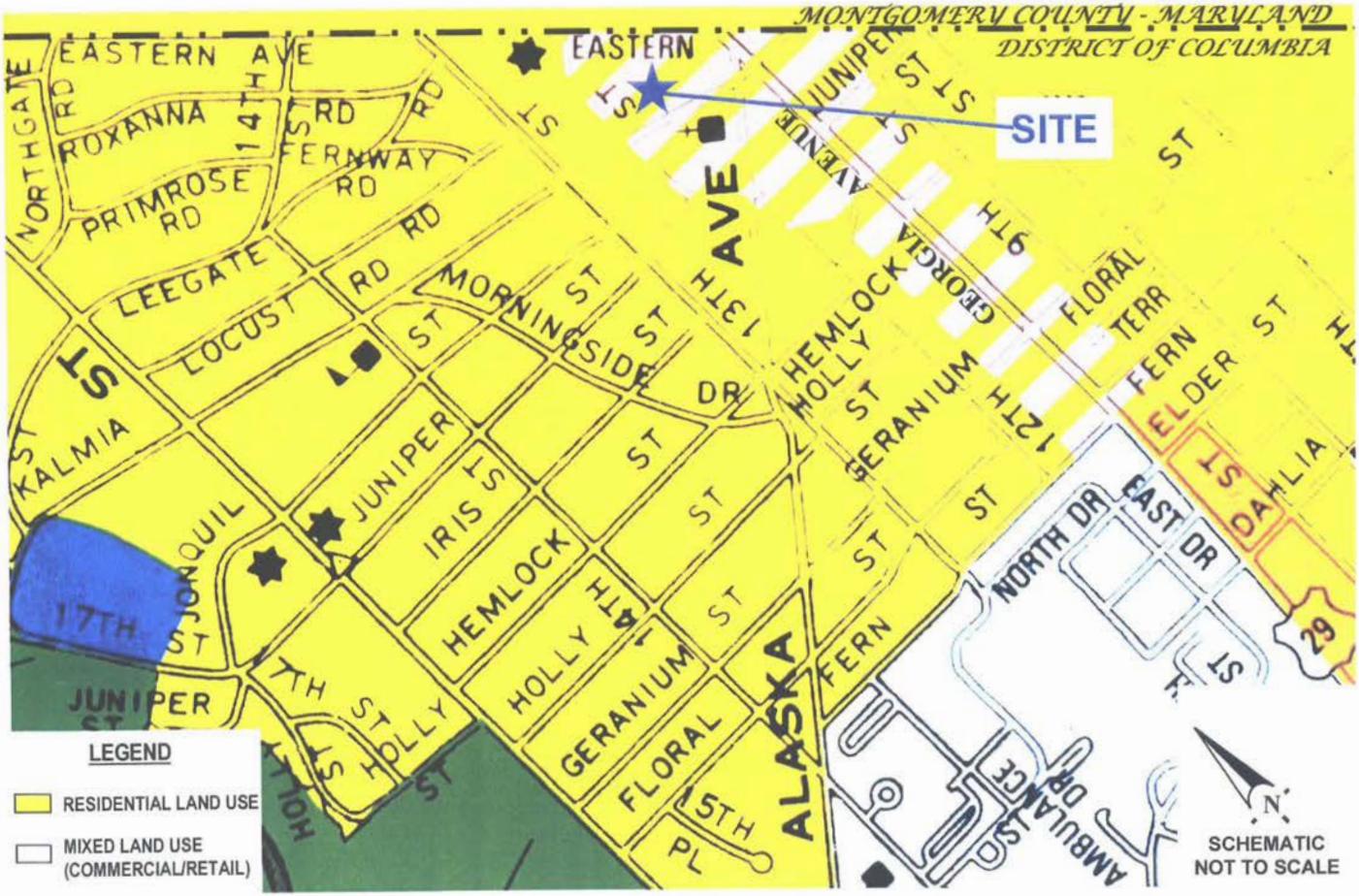
"...accessory parking spaces shall be so located, and facilities in relation to the parking lot shall be so designated, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions."

This study was undertaken to address this requirement. The data and analysis presented herewith, addresses both the vehicular access and circulation aspects of the subject site, as well as the parking usage patterns, in the context of existing and potential impacts on nearby properties.

This study has concluded that continued use of the subject property as an accessory parking lot for the adjacent strip retail center, should not become objectionable from the perspectives of traffic access and parking usage. The elimination or discontinuance of the subject lot would create a significant shortage of parking spaces available for use by the retail center; and could result in significant neighborhood intrusion. The remaining sections of this memorandum present data and discussion to support this conclusion. For ease of reference, Exhibit 1 shows the site location. Exhibit 2 shows the site within its local setting, as extracted from the District of Columbia Generalized Land Use Map.



O. R. GEORGE & ASSOCIATES, INC.	EXHIBIT 1: Site Location Map
	JEMAL'S GATEWAY BZA - APPLICATION , N.W. Washington D.C.



O. R. GEORGE & ASSOCIATES, INC.

EXHIBIT 2: Site Location and Sub Area Land Uses

JEMAL'S GATEWAY BZA - APPLICATION , N.W. Washington D.C.

2.0 EXISTING CONDITIONS

2.1 Existing Sub-Area Land Uses

As noted earlier, the subject site is currently being used as a parking lot. The lot serves customers of the adjacent Jemal's Gateway Retail Center. The center can be described as a community retail use, which implies that users would have a certain degree of familiarity with its access and usage restrictions. The uses within the center consist of:

- Pharmacy;
- Hardware Store;
- Liquor Store;
- Bank;
- Mortgage Company; and
- Delicatessen.

The center also houses an office of the Social Security Administration. Other uses within Square 2960 consist of a commercial office building off Eastern Avenue and single-family-residential units along Kalmia Road and Twelfth Street.

Single-family-detached residential units are also the dominant land use on the adjacent squares situated to the south of Kalmia Road and to the west of Twelfth Street. A notable exception is the Northminster Presbyterian Church situated within the northeastern corner of the square immediately to the south. Uses along Georgia Avenue to the immediate east and south, consist of strip retail and commercial activity. Exhibit 3 shows the uses within the subject square and the adjacent area, as described above.

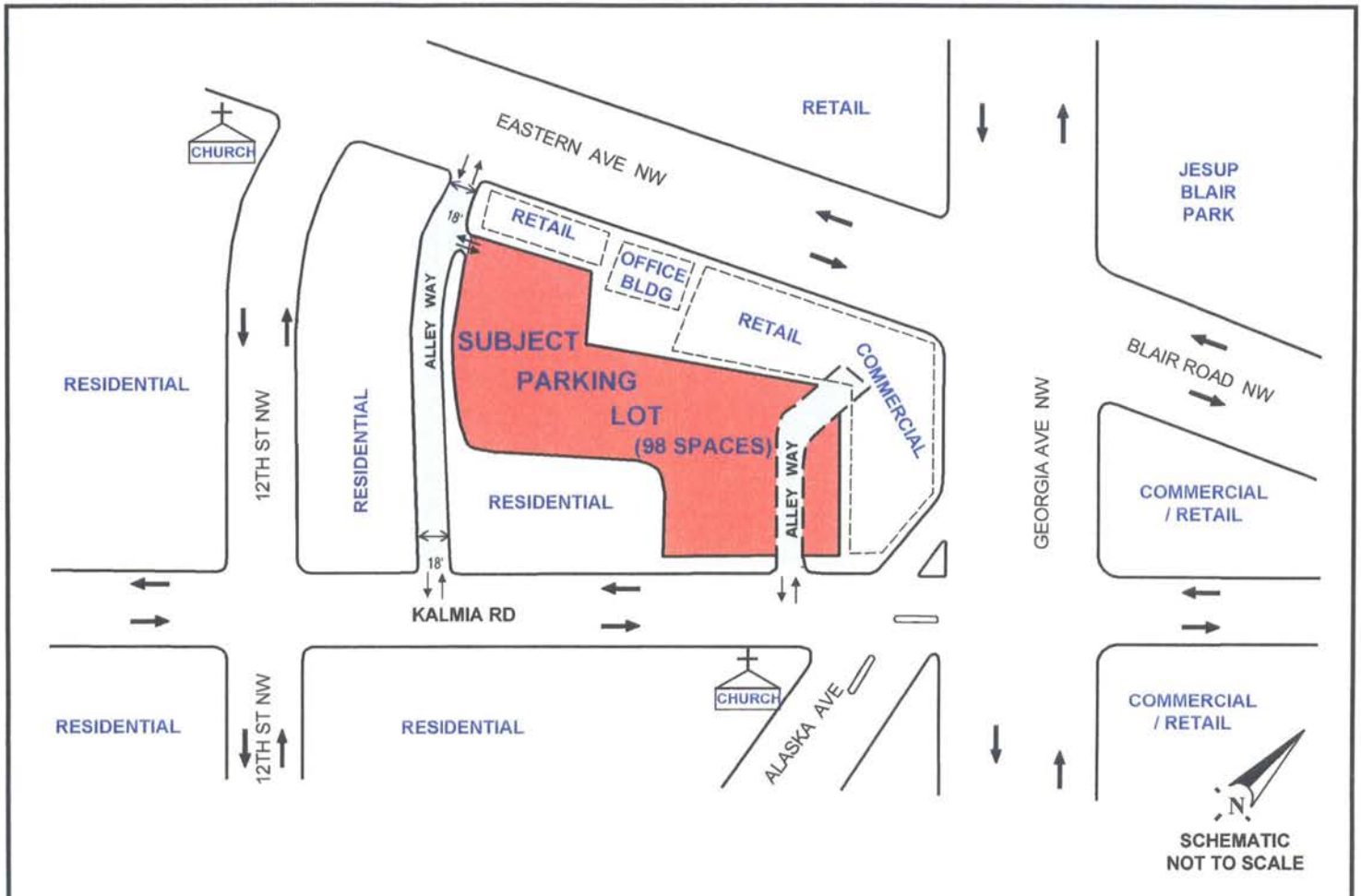
2.2 Site Access and Traffic Conditions

The subject parking lot is accessed via two 20-ft wide alleyways which connect to Eastern Avenue to the north, and Kalmia Avenue to the south. Both Eastern Avenue and Kalmia Road are collector-type facilities under the jurisdiction of the District of Columbia. These roadways intersect with Georgia Avenue to the east, which is a six-lane arterial roadway, that is part of what is generally accepted to be "the longest commercial corridor in the District of Columbia". Parking is permitted along all the roadways noted, with the exception of Georgia Avenue between Kalmia Road and Eastern Avenue. Exhibit 4 shows the existing roadway configuration and traffic control devices serving the sub-area.

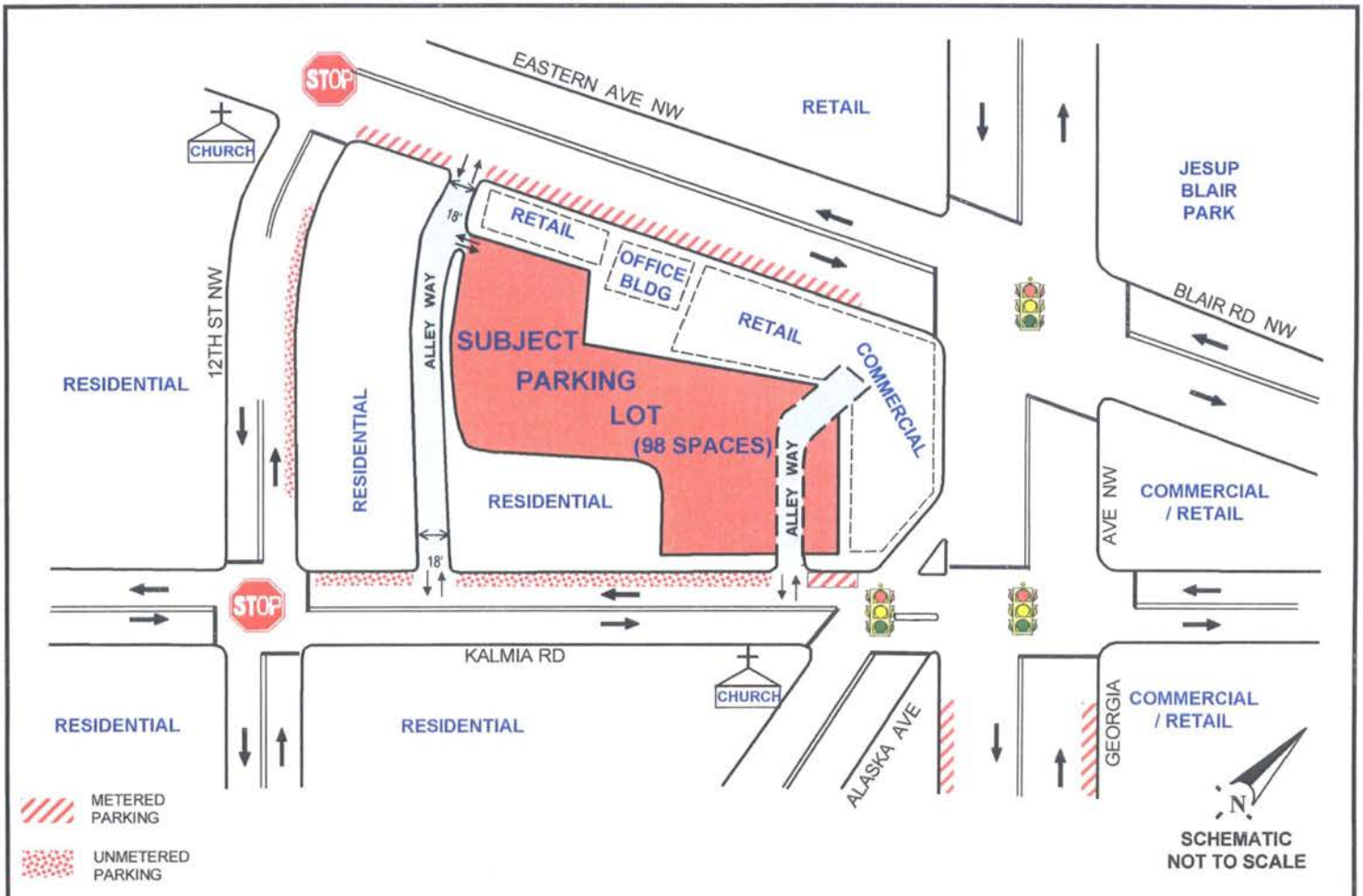
In terms of traffic conditions generated by the retail activity and the subject parking lot, the following factors are noted:

a) Retail uses, in general, attract limited destination trips during weekday morning and afternoon peak hours, when the heaviest travel demands occur on typical roadway facilities,

b) Because the center serves neighborhood and community uses, this trip generation is comparatively less.



O. R. GEORGE & ASSOCIATES, INC.	EXHIBIT 3: Existing Land Uses - Square 2960 & Adjacent Area
	JEMAL'S GATEWAY BZA - APPLICATION , N.W. Washington D.C.



O. R. GEORGE & ASSOCIATES, INC.

EXHIBIT 4: Existing Study Area Roadway Access & Traffic Control

JEMAL'S GATEWAY BZA - APPLICATION , N.W. Washington D.C.

c) The adjacent intersections off Georgia and Alaska Avenues, are signalized; and operate at acceptable Levels of Service, particularly during the daytime, evening and weekend hours where use of the parking lot would typically be at its maximum.

"Level of Service" is qualitative measure describing operational conditions within a traffic stream or at an intersection, and reflects their perception by drivers and other roadway users. Principal considerations are factors such as speed and travel time, delay, freedom of maneuver, traffic interruptions, comfort, convenience and safety. Current engineering practice defines six (6) Levels of Service (A-F), with "A" representing best operating conditions, and Level of Service "F" representing worst conditions. The District of Columbia has adopted Level of Service "E" as the minimum standard for purposes of planning and design. This Level of Service is typically equivalent to a delay of less than 80 seconds per average vehicle utilizing the intersection under consideration.

As background to this assessment, turning movement counts, for the adjacent intersections along Georgia Avenue, were obtained from recent traffic studies conducted within this area for the District of Columbia and Montgomery County. Copies of the turning movement count data and capacity analyses are presented in Appendix A.

In order to assess the adequacy of existing access for the subject parking lot, turning movement counts were undertaken at the two (2) alleyway entrances, during the periods Friday and Saturday, December 15 and 16, 2000. These surveys show the following number of vehicles accessing the subject parking lot.

		Vehicles Entering Via		
Day/Date	**Time Period**	**Kalmia Rd**	**Eastern Ave**	**Total**
• Friday, 12/15/00	1:00 - 4:00 PM	37	9	46
	4:00 - 6:00 PM	33	8	41
• Saturday, 12/16/00	12:00 - 4:00 PM	30	8	38

Source: O.R. George & Associates.

The above data shows that the Kalmia Road entrance is more heavily utilized, serving approximately eighty percent (80%) of the vehicles entering the lot. In addition, the data shows vehicular access demand to be quite moderate, amounting to considerably less than one (1) vehicle per minute on average, during the peak periods on both the Friday and Saturday of the survey. It is noteworthy that the days surveyed were well within the Christmas/holiday shopping season. Observations made at the entrances show that visibility and sight distances were quite acceptable, and that no operational or safety constraints were evident.

2.3 Parking Usage

The subject parking lot is irregularly configured, and runs between Kalmia Road to the south, and the alleyway adjacent to Eastern Avenue, in the northwest section of the retail center. The lot consists of 98 spaces. The dimensions are in general conformance with the standards set forth in the City's regulations. The layout and circulation arrangements within the lot are illustrated in Exhibit 5.

In order to determine the current parking usage and general functions within the context of the City's requirements for accessory parking spaces, the following tasks were performed:

a) Hourly usage surveys of the subject lot, during the period 12:00 Noon to 5:00 PM, on Friday and Saturday, December 15 and 16, 2000;

b) Observations of parking space availability and usage along the adjacent sections of Kalmia Road, 12th Street and Eastern Avenue;

c) Special observations of parking usage of three (3) metered spaces along Kalmia Road, just west of Alaska Avenue, as well as observations of any use of residential parking by patrons of the retail center; and

d) Observations of usage of the subject parking lot by attendees of the adjacent Northminster Presbyterian Church, during the period of the Sunday morning services.

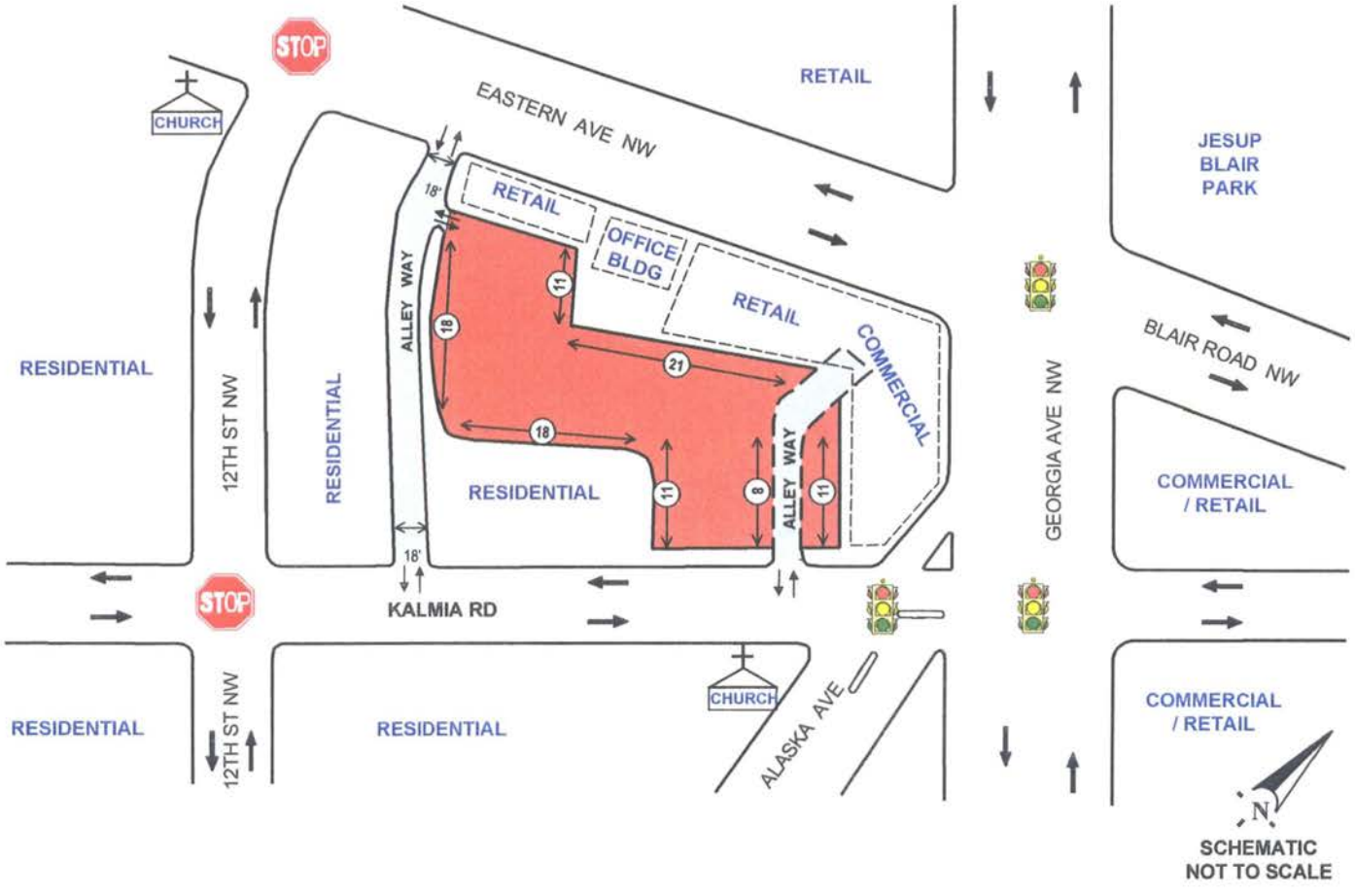
The results of the survey of the subject lot is summarized in Table 1 following. The data shows that peak parking demand ranges between 41% and 65%, during the Friday to Saturday periods. Observations made on Sunday show a significant level of usage by the Northminster Church when between 20 to 30 vehicles utilized the lot.

TABLE 1

PARKING INVENTORY/USAGE SUMMARY -
SQUARE 2960 OFF-STREET ACCESSORY PARKING LOT

Survey Date	Total No. of Spaces	Peak Parking Demand	Time Period
• Friday, December 15, 2000	98	65 (66%)	12:00 Noon - 1:00 PM
• Saturday, December 16, 2000	98	41 (42%)	1: 00 - 2:00 PM

Source: O.R. George & Associates.



O. R. GEORGE & ASSOCIATES, INC.	EXHIBIT 5: Parking Layout and Circulation
	JEMAL'S GATEWAY BZA - APPLICATION , N.W. Washington D.C.

Table 2 shows parking usage levels for the adjacent block faces. The heaviest demand for off-street parking occurs along the adjacent section of Eastern Avenue, and along the section of Kalmia Road served by metered parking. For these two sections, the demand exceeds the supply, perhaps due to their convenient location relative to the access points to the retail business. It is clear however, that the on-street parking is inadequate to meet the overall demand.

TABLE 2

PARKING INVENTORY AND USAGE SUMMARY - SQUARE 2960 ADJACENT ON-STREET SPACES

Roadway Segment	Number of Spaces	Peak Parking Demand	Time Period
• Eastern Ave (South Side, 12th St - Georgia Ave)			
- Friday (12/15/00)	13	17	1:00 - 2:00 PM
- Saturday (12/16/00)	13	14	3:00 - 4:00 PM
• Kalmia Rd (North Side, 12th St - Alaska Ave)			
1) Unmetered Spaces:			
- Friday (12/15/00)	12	6	1:00 - 2:00 PM
- Saturday (12/16/00)	12	6	3:00 - 4:00 PM
2) Metered Spaces:			
- Friday (12/15/00)	3	1	2:00 - 3:00 PM
- Saturday (12/16/00)	3	4	3:00 - 4:00 PM

Source: O.R. George & Associates.

The field observations undertaken also show that there is virtually no usage of residential on-street parking such as along the north side of Kalmia Road and along the east side of Twelfth Street. Use of the parking lot on Sundays is clearly beneficial to the neighborhood. There would be considerable intrusion into the residential area, if this parking were not available for use by the Northminster Church.

3.0 IMPACT ASSESSMENT - SUMMARY AND CONCLUSION

The requirements of the zoning regulations, with respect to the Applicant's proposal are quite specific, with regard to traffic. More specifically, the Applicant is required to demonstrate that the proposed use is "not likely to become objectionable to adjoining or nearby property because of ....traffic". The subject lot is an accessory use to the adjacent retail center; and the Applicant owns both properties. No change is currently proposed for the principal use (retail center) or the subject accessory lot.

The surveys have confirmed that the lot is being used for the purposes which were approved by the Board of Zoning Adjustment. The adjacent on-street parking, that is situated convenient to the retail center, is not adequate to meet its needs. Elimination, or discontinuance of, the use of the subject property as a parking lot would create a significant shortage of parking spaces for the retail center. The likely result of such an action would be a significant incursion into the neighborhood, due to both traffic and parking conditions. A similar adverse situation would arise from parking demands generated by the adjacent church during the period of its Sunday services.

In summary, this study has not identified any adverse or "objectionable" conditions resulting from the current use of the subject property. Conversely, significant adverse impacts are likely to result from discontinuing this use. In order to enhance the function and use of the lot, as intended, this study recommends that the following measures be considered:

a) One or more signs should be placed along the Eastern Avenue and Georgia Avenue faces of the retail center, indicating "Customer Parking In Rear" or a similar message.

b) The Kalmia Road access should be better defined through the use of pavement marking and curbing, as necessary, to delineate the paths of vehicles and minimize inappropriate vehicle/pedestrian conflicts.

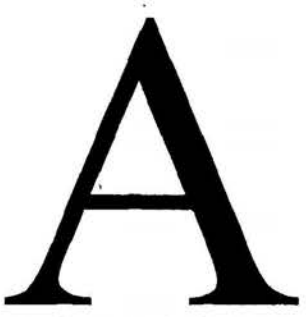
c) Signage along Georgia Avenue and Alaska Avenue, adjacent to the retail center, should be enhanced to prohibit stopping or standing at all times. (Note: This measure could complement the informatory signage recommended in Item (a) above.)

We trust you find the above useful, and we look forward to supporting you further as the application process moves ahead. Meanwhile, should you have any questions or comments, please let us know. Thank you!

ORG/CEE/jfk

cc: John T. Epting, Esquire (Shaw-Pittman, P.C.)
Sarah E. Shaw, Esquire (Shaw-Pittman, P.C.)

APPENDIX



EXISTING TRAFFIC TURNING
MOVEMENT COUNT SUMMARY

O.R. George & Associates, Inc.
1738 Elton Road, Suite 321
Silver Spring, MD 20903
Tel: (301)439-7722 Fax: (301)439-7759

Counted by :ORGA- LM, JV
Board :24-1909, 1576
City/County:Silver Spring/Montgomery
Weather :Cold/Clear/Dry

Study Name: U29@EAST
Site Code : 33041509
Start Date: 11/30/99
Page : 1

Total Traffic

	Georgia Avenue From North					Georgia Avenue From South					Blair Road From East					Eastern Avenue From West					
Start Time	Left	Thru	Right	U-Turn	Aprch Total	Left	Thru	Right	U-Turn	Aprch Total	Left	Thru	Right	U-Turn	Aprch Total	Left	Thru	Right	U-Turn	Aprch Total	Intrvl Total
11/30/99																					
07:15	45	439	3	0	487	5	98	0	0	103	0	26	62	0	88	0	14	27	0	41	719
07:30	62	440	3	0	505	7	105	0	0	112	1	28	69	0	98	1	20	23	0	44	759
07:45	49	496	4	0	549	11	121	0	0	132	0	31	75	0	106	1	28	30	0	59	846
08:00	60	502	2	0	564	13	129	1	0	143	1	37	94	0	132	0	43	33	0	76	915
Hour	216	1877	12	0	2105	36	453	1	0	490	2	122	300	0	424	2	105	113	0	220	3239
08:15	47	497	1	0	545	22	165	2	0	189	1	28	97	0	126	2	26	42	0	70	930
08:30	61	494	3	0	558	18	148	1	0	167	0	41	83	0	124	6	33	49	0	88	937
08:45	57	402	2	0	461	13	159	0	0	172	0	33	76	0	109	4	27	36	0	67	809
09:00	46	330	1	0	377	21	174	0	0	195	1	36	91	0	128	4	30	47	0	81	781
Hour	211	1723	7	0	1941	74	646	3	0	723	2	138	347	0	487	16	116	174	0	306	3457
BREAK																					
16:15	45	145	6	0	196	21	353	1	0	375	3	21	101	0	124	4	25	23	0	52	747
16:30	53	194	13	0	260	19	395	3	0	417	2	41	98	0	141	9	24	22	0	55	873
16:45	49	188	11	0	248	29	436	1	0	466	4	28	97	0	129	12	29	26	0	67	910
17:00	58	205	6	0	269	23	402	1	0	426	0	27	100	0	127	8	29	22	0	59	881
Hour	205	732	36	0	973	92	1586	6	0	1684	9	117	396	0	521	33	107	93	0	233	3411
17:15	53	167	8	0	228	25	428	4	0	457	2	32	83	0	117	11	29	19	0	59	861
17:30	53	187	3	0	243	31	435	1	0	467	2	33	84	0	119	10	24	17	0	51	880
17:45	46	209	7	0	262	24	473	0	0	497	2	28	85	0	115	8	39	31	0	78	952
18:00	0	0	0	0	0	34	424	0	0	458	1	19	96	0	116	0	0	0	0	0	574
Hour	152	563	18	0	733	114	1760	5	0	1879	7	112	348	0	467	29	92	67	0	188	3267
Total	784	4895	73	0	5752	316	4445	15	0	4776	19	489	1391	0	1899	80	420	447	0	947	13374
% Apr.	13.6	85.1	1.2	-	-	6.6	93.0	0.3	-	-	1.0	25.7	73.2	-	-	8.4	44.3	47.2	-	-	
% Int	5.8	36.6	0.5	-	-	2.3	33.2	0.1	-	-	0.1	3.6	10.4	-	-	0.6	3.1	3.3	-	-	

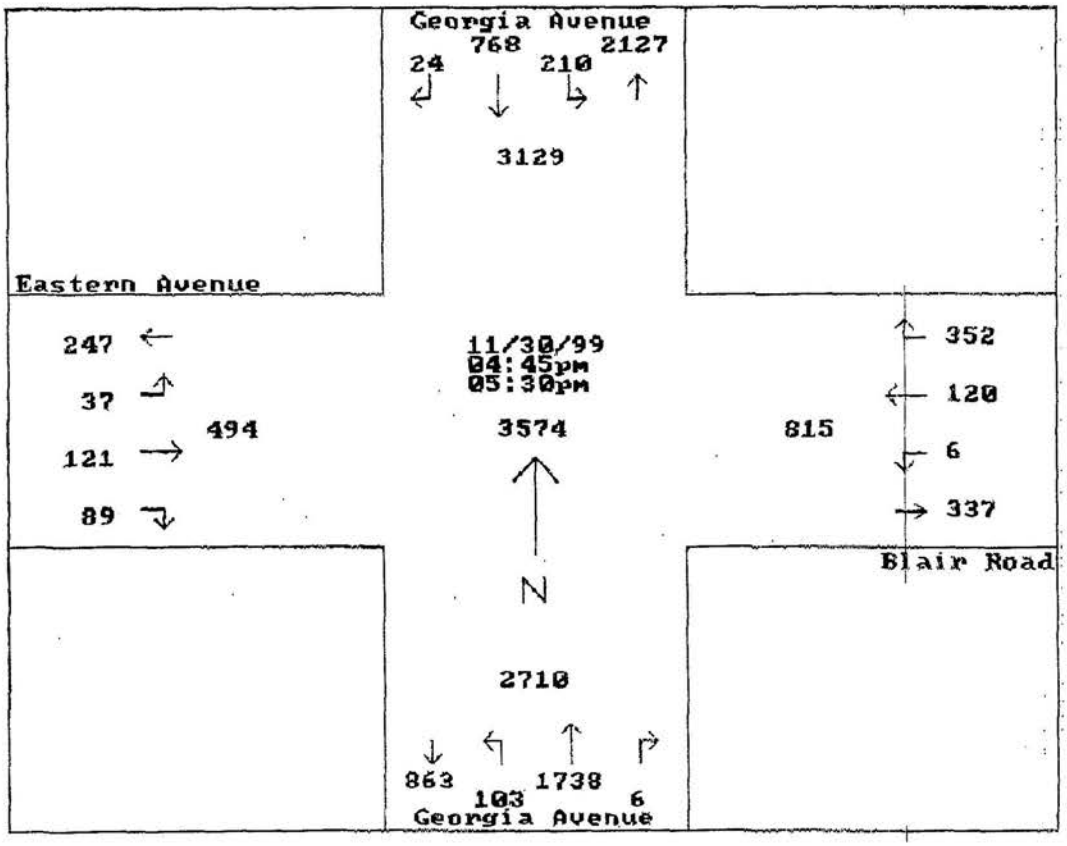
O.R. George & Associates, Inc.
1738 Elton Road, Suite 321
Silver Spring, MD 20903
Tel: (301)439-7722 Fax: (301)439-7759

Counted by :ORGA- LM, JV
Board :D4-1909, 1576
City/County:Silver Spring/Montgomery
Weather :Cold/Clear/Dry

Study Name: U29@EAST
Site Code : 33041909
Start Date: 11/30/99

Total Traffic

	Georgia Avenue From North					Georgia Avenue From South					Blair Road From East					Eastern Avenue From West					
ng Time	Left	Thru	Right	U-Turn	Aprch Total	Left	Thru	Right	U-Turn	Aprch Total	Left	Thru	Right	U-Turn	Aprch Total	Left	Thru	Right	U-Turn	Aprch Total	Intvl Total
Peak Hour Analysis By Entire Intersection for the Period: 16:00 on 11/30/99 to 17:45 on 11/30/99																					
Time	16:45					16:45					16:45					16:45					
Vol.	210	768	24	0		103	1738	6	0		6	120	352	0		37	121	89	0		
Per.	20.9	76.6	2.3	0.0		5.5	94.0	0.3	0.0		1.2	25.1	73.6	0.0		14.9	48.9	36.0	0.0		
Total	1002					1847					478					247					
High	16:45					17:30					16:45					17:30					
Vol.	58	205	6	0		24	473	0	0		0	27	100	0		8	39	31	0		
Total	269					497					127					78					
PHF	0.931					0.929					0.940					0.791					



A-2

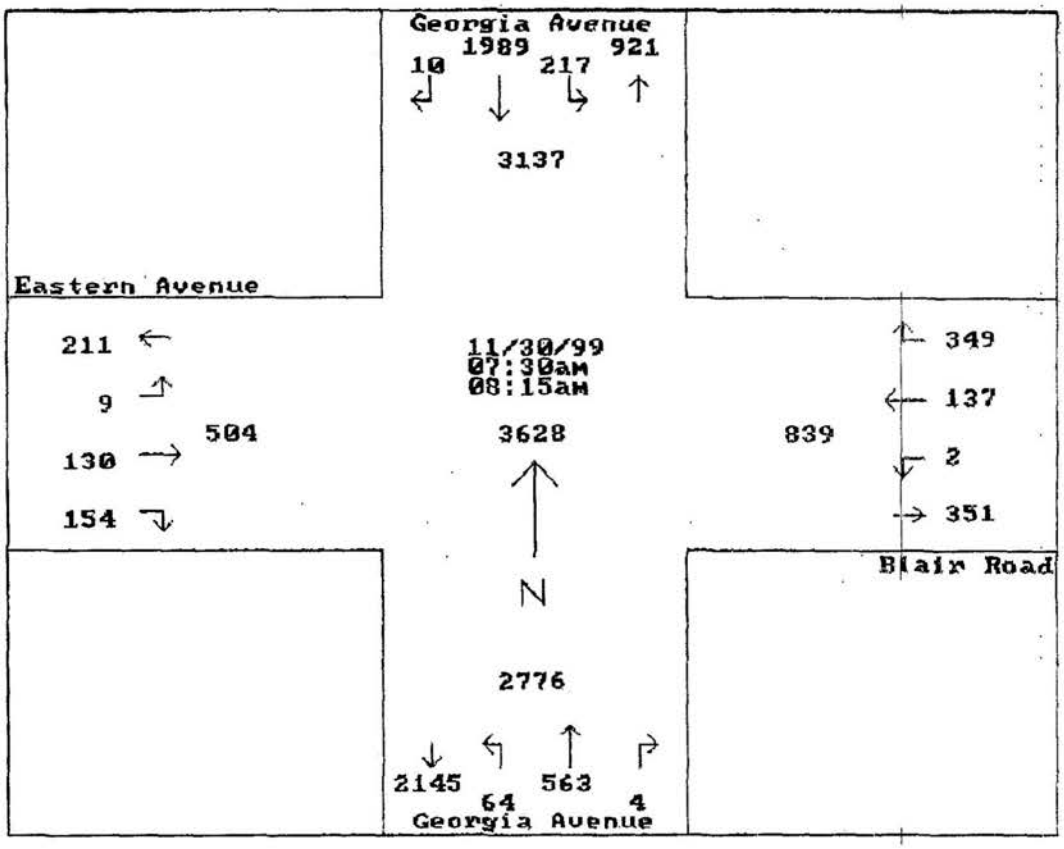
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Start Time	Left	Thru	Right	U-Turn	Aprch Total	Left	Thru	Right	U-Turn	Aprch Total	Left	Thru	Right	U-Turn	Aprch Total	Left	Thru	Right	U-Turn	Aprch Total	Intvl Total
Peak Hour Analysis By Entire Intersection for the Period: 07:00 on 11/30/99 to 08:45 on 11/30/99																					
Peak Time	07:30					07:30					07:30					07:30					
Volume	217	1989	10	0		64	563	4	0		2	137	349	0		9	130	154	0		
Percent	9.7	89.7	0.4	0.0		10.1	89.2	0.6	0.0		0.6	28.0	71.5	0.0		3.0	44.3	52.5	0.0		
Total	2216					631					488					293					
High	07:45					08:00					07:45					08:15					
Volume	60	502	2	0		22	165	2	0		1	37	94	0		6	33	49	0		
Total	564					189					132					88					
PHF	0.982					0.834					0.924					0.832					



HCS: Signalized Intersections Release 3.2

Inter: MD 29 @ Eastern Avenue
Analyst: ORGA-MFO
Date: 01/02/2001
E/W St: Eastern Avenue/Blair Road

City/St: Silver Spring, MD
Proj #: Jemal's Gateway Parking Lot
Period: AM Peak (7:30-8:30)
N/S St: MD 29 (Georgia Avenue)

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	1	1	0	1	1	0	3	0	0	3	0
LGConfig		LT	R		LT	R		LTR			LTR	
Volume	9	130	154	2	137	349	64	563	4	217	1989	10
Lane Width		11.0	11.0		11.0	11.0		11.0			11.0	
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	P				NB Left	P		
Thru	P				Thru	P		
Right	P				Right	P		
Peds					Peds			
WB Left	P				SB Left	P		
Thru	P				Thru	P		
Right	P				Right	P		
Peds					Peds			
NB Right					EB Right	P		
SB Right					WB Right	P		
Green	15.0					55.0		
Yellow	4.0					4.0		
All Red	1.0					1.0		

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c	Ratios g/C	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
Eastbound								
LT	333	1775	0.50	0.188	34.5	C	16.5	B
R	1561	1561	0.12	1.000	0.2	A		
Westbound								
LT	340	1812	0.44	0.188	33.0	C	9.7	A
R	1561	1561	0.24	1.000	0.4	A		
Northbound								
LTR	2346	3412	0.32	0.688	5.4	A	5.4	A
Southbound								
LTR	2564	3730	0.88	0.688	14.7	B	14.7	B

Intersection Delay = 12.4 (sec/veh) Intersection LOS = B

HCS: Signalized Intersections Release 3.2

Inter: MD 29 @ Eastern Avenue
Analyst: ORGA-MFO
Date: 01/02/2001
E/W St: Eastern Avenue/Blair Road

City/St: Silver Spring, MD
Proj #: Jemal's Gateway Parking Lot
Period: PM Peak (4:30-5:30)
N/S St: MD 29 (Georgia Avenue)

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	1	1	0	1	1	0	3	0	0	3	0
LGConfig		LT	R		LT	R		LTR			LTR	
Volume	37	121	89	6	120	352	103	1738	6	210	768	24
Lane Width		11.0	11.0		11.0	11.0		11.0			11.0	
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination		1	2	3	4			5	6	7	8
EB	Left	P				NB	Left	P	P		
	Thru	P					Thru		P		
	Right	P					Right		P		
	Peds						Peds				
WB	Left	P				SB	Left	P	P		
	Thru	P					Thru		P		
	Right	P					Right		P		
	Peds						Peds				
NB	Right					EB	Right	P	P		
SB	Right					WB	Right	P	P		
Green		15.0						10.0	40.0		
Yellow		4.0						4.0	4.0		
All Red		1.0						1.0	1.0		

Cycle Length: 80.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c	Ratios g/C	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
Eastbound								
LT	245	1309	0.82	0.188	56.2	E	36.0	D
R	1561	1561	0.07	1.000	0.1	A		
Westbound								
LT	323	1720	0.41	0.188	32.5	C	8.8	A
R	1561	1561	0.24	1.000	0.4	A		
Northbound								
LTR	2212	4424	0.90	0.500	24.4	C	24.4	C
Southbound								
LTR	1272	2544	0.85	0.500	24.5	C	24.5	C

Intersection Delay = 23.3 (sec/veh) Intersection LOS = C

F

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Wilkes, Artis, Hedrick & Lane, Chartered
RECEIVED
OCT 23 1985

Application No. 14317, of Louis and Geraldine Miller, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue to operate an accessory parking lot in an R-1-B District at the premises 7830-42 Eastern Avenue, and 7800 Alaska Avenue, N.W., (Square 2960, Lots 810, 811, 812, 813 and rear of 809).

HEARING DATE: July 24, 1985
DECISION DATE: July 24, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District, at premises known as 7830-42 Eastern Avenue, and 7800 Alaska Avenue, N.W.

2. The subject site is adjacent to a strip of land zoned C-2-A along Eastern Avenue and Georgia Avenue, N.W. to the north and east. The R-1-B District extends to the south and west of the subject site.

3. The subject site currently serves as accessory parking for the C-2-A strip which it adjoins. This lot has operated with Board approval since July 20, 1949, under application No. 2385. The last approval of this Board was given by Order No. 13465, dated May 13, 1981.

4. The subject lot accommodates approximately eighty vehicles, and operates as a self-park facility. The applicant proposes the continuation of the lot in this fashion.

5. Sub-section 8207.2 provides that the Board is authorized to grant special exceptions where in the judgement of the Board such special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighborhood property in accordance with said Zoning Regulations and maps, subject in each case to the special conditions specified in the pertinent articles of the Zoning Regulations.

6. Sub-section 3101.48 provides that an accessory parking lot may be approved by the Board provided that:

A. Such use will be located in its entirety within 200 feet of an existing Commercial or Industrial

District and such parking lot shall be contiguous to or separated only by an alley from such Commercial or Industrial District;

B. All provisions of Article 74 are complied with;

C. Such use is reasonably necessary or convenient to the neighborhood and is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions; and

D. Before taking final action on an application for such use the Board shall have submitted the application to the District of Columbia Department of Public Works for review and report.

7. The Eastern and Georgia Avenue frontages of the subject square that are located in the C-2-A zone District have a depth of approximately one hundred feet. The depth of the commercial zoning is not adequate to provide parking for these commercial entities located therein, since the entire C-2-A strip is covered by the commercial businesses.

8. The parking spaces of the subject lot are in an open area and are located in their entirety within 200 feet of the C-2-A area to which they are accessory. They are contiguous to or are separated only by an alley from the C-2-A uses.

9. The subject lot is used strictly as short-term parking for the adjacent C-2-A uses. No all-day parking is provided. The lot is open on weekends for neighborhood church parking, as well as for surrounding residents.

10. All areas of the subject lot devoted to driveways, access lanes and parking areas are paved with materials which form an all-weather, impervious surface.

11. The parking lot is designed so that no vehicle or any part thereof projects over any lot line or building line.

12. No other use is conducted from or upon the subject site other than the parking lot.

13. There is no vehicular entrance or exit within twenty-five feet of a street intersection. Access to the subject lot is available from two alleys off Kalmia Road, N.W.

14. Any lighting used to illuminate the parking lot is so arranged that all direct rays of lighting are confined to the parking lot.

15. The subject lot is well maintained. Trash is picked-up and curbs and gutters are cleaned regularly.

16. The subject lot is policed by an attendant who helps to minimize noise and activity as well as assist the traffic flow from 9:00 A.M. to 9:00 P.M. Monday through Friday.

17. The lot has operated in compliance with the Board's previous approval and the applicants have received no complaints from any of its users or surrounding residents.

18. The applicant has no plans for the subject site other than the continuation of the parking lot for the foreseeable future as the parking is important to the financial success of the stores which it serves by providing a safe and convenient place for their patrons to park while conducting business.

19. The commercial establishments served by the subject lot include a liquor store, a television repair shop, two restaurants, a nightclub and a savings and loan institution.

20. The Department of Public Works, by memorandum dated July 1, 1985, reported that the parking lot was in excellent condition and adequately screened from all adjacent residential property. The DPW further reported that if the lot were discontinued, parking spillover would adversely affect the surrounding residential neighborhood. The DPW had no objections to the continuation of the subject parking lot. DPW did recommend that BZA only grant the extension of the parking lot use for a four year period. The Board concurs with the reasoning and general recommendations of the DPW.

21. The Office of Planning, by memorandum dated July 19, 1985, reported that the parking lot is still in compliance with the conditions of the last Order of the Board (BZA No. 13465). The Office of Planning recommended approval of this application subject to the conditions set forth in that Order. The OP was of the opinion that the applicant met the requirements of Paragraph 3101.48 of the Zoning Regulations. The Board concurs.

22. A letter dated July 23, 1985, from Single Member District Commissioner of ANC 4A02 was submitted to the record in support of the subject application.

23. Advisory Neighborhood Commission 4A filed no recommendation on the application.

24. Neighbors, Incorporated testified at the public hearing that the lot is well operated and maintained and recommended approval of the application. Neighbors, Incorporated requested that the length of approval be for a shorter period than the ten years period requested by the applicant.

25. There was no opposition to the granting of the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to use the subject lots in the R-1-B District as accessory parking for neighboring businesses in the C-2-A District. The granting of such a special exception requires a showing through substantial evidence that the proposed use satisfies the requirements of Sub-section 8207.2 and Paragraph 3101.48 of the D.C. Zoning Regulations.

The Board concludes that the application meets the standards for the granting of the requested special exception. The lot is located within 200 feet of the adjacent existing C-2-A commercial district, and is separated only by an alley from such commercial district. The parking lot does not create dangerous or otherwise objectionable traffic conditions. The Board further concludes that the parking facility will not adversely affect the use of neighboring property. The lot is reasonably necessary and convenient to the operation of the adjoining commercial corridor. The operation of the lot is in harmony with the general purpose and intent of the Zoning Regulations. Accordingly, it is ORDERED that this application is hereby GRANTED SUBJECT to the following CONDITIONS:

a. Approval shall be for a period of FIVE YEARS from the date of expiration of the last Certificate of Occupancy, namely until October 21, 1990.

b.. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

e. 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.

f. 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.

g. 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.

VOTE: 4-0 (Patricia N. Mathews, Charles R. Norris, William F. McIntosh, Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 22 OCT 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

14317order/LJPG



TESTIMONY OF REPRESENTATIVE OF
DOUGLAS DEVELOPMENT

I. Description of Douglas Development

II. Description of Douglas Development's History of Involvement with the Property

III. Description of Operating Conditions of the Parking Lot



TESTIMONY OF TRAFFIC EXPERT

I. General Parking/Traffic Conditions in Vicinity of Parking Lot

II. Parking Lot is Not Objectionable Due to Traffic

III. Conclusion