GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

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TO: D.C. Board of Zoning Adjustment (BZA)

FROM: Andrew Altman
Director

DATE: January 9, 2001

SUBJECT: BZA Application Case No. 16656 Accessory Parking
Special Exception Report

DESCRIPTION

Pursuant to 11 DCMR 3104, the applicant, Jemal's Gateway/Douglas Development Corporation, requests approval of a special exception from section 214 to continue the use of a surface parking lot in an R-1-B District, at premises 7820 Georgia Avenue, N.W. and 7800 Alaska Avenue, N.W, Lot 17, in Square 2960.

BACKGROUND

Jemal's Gateway/Douglas Development Corporation is located at the junction of Georgia Avenue, Eastern Avenue, Kalmia Road and Alaska Avenue, N. W., just southwest of the District boundary with Montgomery County, Maryland. The subject parking lot is accessible both from Kalmia Road and through an alley off Eastern Avenue. The parking lot is in the R-1-B Zone District and the adjacent commercial structures, to which the parking lot is accessory, are located in a C-2-A Zone District. There are approximately 30,000 square feet of land area contained on the parking lot.

The subject property has been used as a parking lot for the past fifty years, having been first approved by the Board in 1949, by Order No. 2385. The most recent approval by the Board, Order No. 14317, was on October 22, 1985. That approval has since lapsed. The applicant purchased the subject property and learned during renovation of the retail space that Board approval of the parking lot was required. The subject lot is used as a self-parking, short-term parking lot, serving the adjacent retail uses. The parking lot provides parking opportunities for local churches and other neighborhood functions on the weekend, during non-peak hours.

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Board of Zoning Adjustment
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CASE NO.16656
EXHIBIT NO.28

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the site as being in the low-density mixed-use land use category. Mixed-use areas include existing commercial areas and areas proposed for significant land use changes. The Plan further delineates the areas to the south and west of the site as being in the low-density residential land use category. The Low-density residential land use category includes single-family detached and semi-detached housing as predominant uses. There are retail establishments to the north and east of the site, along both Georgia and Eastern Avenues.

PROPOSED PROJECT

Pursuant to 11 DCMR 3104, the applicant is seeking a special exception from § 214 to continue the use of a previously approved accessory surface parking lot which serves adjacent retail establishments in an R-1-B Zone District, at premise 7820 Georgia Avenue, N.W. The subject property is in Square 2960, Lot 17. Jemal's Gateway D.C., LLC/Douglas Development Corporation requests relief in order to continue the operation of the previously Board approved parking lot.

ZONING REQUIREMENTS AND ANALYSIS

The applicant has satisfactorily provided support for the requested relief in accordance with Section 3104 of the Zoning Regulations. The applicant has provided support for a special exception by demonstrating that the proposed parking lot can be in harmony with the general purpose of the Zoning Regulations and will not tend to adversely affect adjacent properties. Further, the applicant has demonstrated that the proposed parking lot meets the requirements of Section 214 of the Zoning Regulations. Specifically:

§ 214.2 -The parking spaces must be in an open area, no portion of which extends above the level of the adjacent finished grade.

All of the parking spaces in the accessory parking lot are in an open Area and are at the same level as the adjacent grade.

§ 214.3 - The parking spaces must be located, in their entirety, within two hundred feet of the area to which they are accessory.

The entire parking lot will be within two hundred feet of the area to which it will serve an accessory function.

§ 214.4 - The parking spaces must be contiguous to the use to which they are accessory.

The parking lot will be located on Lot 17, which is contiguous to the lots containing the uses to which it serves the accessory function.

§ 214.5 – The parking lot must satisfy the requirements of Chapter 23 of the Zoning Regulations.

The proposed parking lot will satisfy the requirements of Chapter 23 of the Zoning Regulations. §2303 requires that:

(i) The parking lot surface is a minimum of four inches in thickness and paved with material approved by DPW 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 the above requirements. The prior history of the site being approved as a parking lot by the Board over a fifty-year period, and the prior issuance of a Certificate of Occupancy for parking purposes, are evidences of compliance with these requirements.

The parking lot also meets the other requirements of §2303. Specially, (d) there are no vehicular entrances or exits within 40 feet of a street intersection; (e) The parking lot will be lighted so that all direct rays of light are confined to the surface of the parking lot; and (f) the parking lot is kept free of refuse and debris and shall be landscaped. Further, the parking lot is screened from all contiguous residential properties by a masonry wall that is a minimum of twelve inches thick and forty-two inches high.

§214.6 - It shall be economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot 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 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 of depth along Georgia Avenue and Eastern Avenue within the C-2-A District, and the remainder of the property in the R-1-B District. Retail establishments occupy all of the commercially zoned areas. The retail establishments and the parking lot are on the same lot but it is impossible to locate parking spaces in the principal buildings because there is no excess space to use for by the retailers. The lack of available parking spaces in the retail buildings make the adjacent parking lot necessary to provide parking for the commercial uses.

§214.7 – 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 nearby property because of noise, traffic, or other objectionable conditions.

According to the applicant, the subject parking lot has not created conditions objectionable to its neighbors. There have been no complaints received by the applicant regarding noise or the amount of traffic generated by the parking lot, nor has the Advisory Neighborhood Commission indicated any complaints with the operation of the lot.

Section 3104.1 If the special exception is granted, it would not negatively affect the public good.

The application does meet the requirements for special exception relief contained in Section 3104 of the Zoning Regulations; OP concluded that the applicant has met these requirements, as discussed below. The applicant did demonstrate granting of the special exception will not cause any substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan.

It is OP's position that the application for special exception relief, mentioned above, is sufficient and is in harmony with the general purpose and general purpose of the Zoning Regulations.

AGENCY REVIEW

The Department of Public Works (DPW)

The application was circulated to DWP for review and comment. OP had not received DPW's comments before filing its report.

COMMUNITY COMMENTS

Advisory Neighborhood Commission 4A indicated that they do not generally provide letters of support for these types of applications, only letters in opposition to those they do not approve of. However, they do not have any objection to this application.

RECOMMENDATION

It is OP's conclusion that the applicant has met the burden of proof, pursuant to 11 DCMR 3104, for a special exception from section 214, to permit the continuation of a previously Board approved parking lot for the same purpose. The Office of Planning concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore the Office of Planning's recommendation that the application for a special exception, to continue using the subject parking lot for parking purposes, be approved, for a period of five years.