GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

BZA
Case No. 16656
Exhibit No. 31

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

FROM: Andrew Altman
Director

DATE: February 2, 2001

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

APPLICATION-IN-BRIEF

Pursuant to 11 DCMR 3104, the applicant is seeking a special exception under § 213 to continue the use of a previously Board approved surface parking lot which serve adjacent retail/commercial establishments in an R-1-B Zone District, at premise 7820 Georgia Avenue, N.W. The subject property is on Square 2960, Lot 17. Jemal's Gateway D.C., LLC/Douglas Development Corporation requests relief in order to continue the operation of an approved parking lot.

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning (OP) recommends the application be approved.

SITE DESCRIPTION

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 there in

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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 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.

PROJECT DESCRIPTION

Pursuant to 11 DCMR 3104, the applicant, Jemal's Gateway/Douglas Development Corporation, requests approval of a special exception from section 213 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.

COMPREHENSIVE PLAN RELATIONSHIP

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.

AUTHORITY TO GRANT SPECIAL EXCEPTION

DCMR, Section 3104.1 cites the D.C. code provision that authorizes the BZA to grant the requested special exception "where, in the judgment of the Board,

- **The special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map**; and

- **Granting of the special exception will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map**

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

The applicant has satisfactorily provided support for the requested relief from the requirements of Section 3104 of the zoning Regulations, 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. Specifically:

Can the requested special exceptions be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map?

The subject site has been Board approved for parking purposes over the past fifty years. The applicant's special exception request, anticipate using the parking lot in the same manner. There is no reason to expect the continuation of parking at the subject site to result in inconsistencies with the general purpose and intent of the Zoning Regulations and Zoning Map.

Will the granting of a special exception tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map?

No, it will not.
Granting of the special exception for the requested parking lot will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The parking lot is contained entirely on Lot 17. There is a masonry wall, separating the parking from neighboring residential property.

In response to concerns raised by ANC 4A, the applicant has agreed to a list of additional conditions to minimize adverse affect on the surrounding community. (See list of conditions in recommendations)

Further, the applicant has demonstrated that the proposed parking lot meets the requirements of Section 213 of the Zoning Regulations. Specifically:

§ 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 entire parking lot will be within two hundred feet of an existing Commercial or Industrial district.

§ 213.3 – A parking lot shall be continuous to or separated only by an alley from a Commercial or Industrial district.

The parking lot is on lot 17, which is contiguous to the lots containing a commercial function.

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

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

(i) **The parking lot surface be 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 histories of the site being approved as a parking lot, by the Board over a fifty-year period, and the prior issuance of 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 entrance or exit 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.

§ 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.

Accordance to the applicant, the subject parking lot has not created any dangerous or otherwise objectionable traffic conditions as a result of the subject parking lot. Further, the existence of the parking lot is considered an attractive element in an area designated in the Comprehensive Plan for a mixture of commercial and residential uses

§213.6 – The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be reduction in overspill parking on neighborhood streets.

The lack of available parking spaces in the retail buildings makes the adjacent parking lot necessary to provide parking for the commercial uses.
The parking lot provides a reasonable and necessary function, by offering convenient parking opportunities for customers of the nearby retail/commercial establishments located on the adjacent lots. The parking lot also is available to the local community, during non-peak hours and during non-business periods.

§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 subject parking lot serves principally as a short-term parking facility for customers of the adjacent commercial and retail establishments. The parking lot also is available to the local community, during non-peak hours and during non-business periods.

COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 4A does not oppose the application, but did raise several issues associated with the parking lot, including the location of the existing trash dumpster, the emergence of rodents around the dumpster, the lack of an attendant on the lot, the placement of signs on the property and the feasibility of the owner providing access off Kalmia Road. The applicant agreed to address the community concerns, as a condition of the board's approval. (See conditions in recommendations)

Agency Review

The Department of Public Works (DPW)

According to the applicant, DPW did not oppose the project.

RECOMMENDATION

It is OP's conclusion that the applicant had met the burden of proof, Pursuant to 11 DCMR 3104, section 213 for a special exception, to permit the continuation of a previously approved parking lot, to continue the same use. There does exist area conditions related to the referenced property which makes it difficult for the owner in complying with the Zoning regulations and that the requested relief can be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property in according with the Zoning Regulations and Zoning Map.

Conditions of Approval of BZA Application 16656

1. The parking spaces shall be striped to be consistent with the revised survey to be submitted by the applicant.

2. Existing trash dumpsters shall be replaced with a mechanized trash compactor including an ionization feature to reduce odors. Until such time as the trash compactor is provided, the existing dumpsters will be maintained, emptied and cleaned on a regular basis to prevent odors, lids on dumpsters will be kept closed, and the area around dumpster will be kept clean to prevent garbage from being scattered in parking lot and on adjacent properties.

3. The new trash compactor shall be installed along the public alley on the western side of the parking lot so that it is not directly adjacent to any residential homes, in a location shown on the revised survey.

4. The applicant will retain a rodent control company to help keep the parking lot rodent-free.

5. The applicant will write a letter to all tenants who are food providers, emphasizing the importance of care when dealing with food garbage.

6. The applicant will appoint an employee as a community liaison to deal with any issues that arise vis a vis the operation of the parking lot and the surrounding community. This individual's name will be provided to ANC 4A and updated as necessary.

7. An employee of the applicant will make periodic site visits to ensure the cleanliness and smooth operation of the parking lot.

8. The applicant shall work with the retail establishments along Eastern and Georgia Avenues to place signs informing patrons of the parking lot that is available for use.

9. The applicant shall coordinate with the Department of Public Works to address access off of Kalmia Road to more clearly delineate the paths of vehicles and minimize inappropriate vehicle/pedestrian conflicts.

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