GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: June 26, 2001

SUBJECT: BZA Application No. 16724, Special Exception to Continue a Parking Lot at 3053 M Street, N.W.

APPLICATION

Application of Louis Levy, et al., and Colonial Parking, Inc., pursuant to 11 DCMR 3104.1, for a special exception to allow a parking lot under Section 213 in the R-3 and the C-2-A Districts at premises 3053 M Street, N.W. (Square 1209, Lot 910).

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the special exception, with conditions, to continue the existing parking lot for a term of ten years.

BACKGROUND

The description of the parking lot and its location on M Street in the commercial center of Georgetown is summarized in the next section. Background information is summarized below.

- The property in this application, which is designed and used as a parking lot, has been used as a parking lot for 53 years (since 1948) pursuant to a series of special exceptions granted by the BZA.

- The Board of Zoning Adjustment held the most recent special exception hearing on this property on September 11, 1991 (BZA Application No. 15537). The Board approved the special exception on that date by a bench decision, with seven

BZA Case No. 16724 Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16724
EXHIBIT NO.27

conditions, for a period of ten years. The Board's order was dated September 24, 1991.

- Over the past ten years there have been some changes to the retail composition of Georgetown and some relatively small improvements to the parking lot and adjacent properties. However, the general layout and role of this parking lot is essentially the same as it was in 1991.

SITE AND AREA DESCRIPTION

The parking lot is located on the north side of M Street, between 30th and 31st streets, N.W., in Square 1209, a location is in the center of the M Street retail corridor in Georgetown. This parking lot is in the Georgetown Historic District and is adjacent to the Old Stone House, the oldest building in Georgetown. The entrance to the parking lot off M Street is approximately 16 feet wide and extends north about 100 feet. At that point the parking lot property widens out and extends north about another 200 feet. The effect of this arrangement is that the parking lot is essentially "tucked in" the center of the Square 1209 and the parking is generally not seen from M Street. The land slopes gradually upward from M Street to the north end of the narrow parking lot property.

The parking spaces are arranged in two rows bordering a center aisle. The applicant's statement indicates that there are 48 parking spaces and that cars are sometimes stacked in the center aisle, allowing a maximum tot al capacity of approximately 60 cars.

The southern portion of the property is in the C-2-A District that extends along M Street. At this point, the zoning boundary line is approximately 120 feet north of M Street. The northern portion of the parking lot property is in the R-3 District. A parking lot is permitted in the C-2-A District as a matter of right, subject to the provisions of Chapter 23 (Sections 2303.1 and 2303.2). A parking lot in an R-3 District is permitted as a special exception, subject to the conditions in Section 213.

The parking lot is separated from adjacent properties by a nine-foot brick wall on the west, a seven-foot brick wall on the north and a six-foot wooden fence on the east, along the Old Stone House property, an historic landmark maintained by the National Park Service. Due to the large size of Square 1209, the parking lot in the interior of the Square is located some distance from the houses along 31st Street to the west and N Street to the north.

One recent improvement that relates to the parking lot was the improvement of a pedestrian walkway on the north edge of the properties that are west of the parking lot, extending to 31st Street. Most of this walkway improvement was done by the developer of the renovated properties to the west of the parking lot, but the walkway was continued into the parking lot. The walkway provides an added convenience to patrons of the parking lot.

APPLICANT'S PROPOSAL

The applicant proposes that the property continue to be operated as a parking lot and that the special exception for a parking lot be extended for ten years.

ANALYSIS

The M Street retail corridor is an important part of the retail and commercial activities in Georgetown. These activities serve not only the neighborhood but also a citywide and regional function. Georgetown is designated as a regional center on the District of Columbia Generalized Land Use Policies Map. This parking lot, though small, serves an important parking function for nearby restaurants, stores and businesses. As previously noted, the design of the parking lot means that its visibility from M Street is limited and it is well screened from adjacent properties.

The Office of Planning has reviewed the lot in relationship to the requirements of Sections 213 and 2303 and believes that this parking lot meets those requirements. The applicant's submission acknowledges that the landscaping is less than the five percent indicated in 2303.2, in part because the basic design of the parking lot predates the current regulations. In view of the long-narrow shape of the parking lot property, the existing walls and the existing vegetation, the Office of Planning believes the lot is well screened and that there is a sense of a landscape setting with the existing arrangement.

ANC AND COMMUNITY GROUPS

On Tuesday, June 5, 2001, at the regular ANC meeting, ANC-2E voted to recommend approval of BZA Application No. 16724 (consent calendar). This support by ANC-2E is indicated in a June 15, 2001 letter to the Board.

OTHER AGENCY COMMENTS

This application has been referred to the Department of Public Works (DPW) for review. At the time of filing this report, the Office of Planning has not received the DPW report.

RECOMMENDATION

The Office of Planning recommends that the Board of Zoning Adjustment approve a special exception for a parking lot on this property for ten (10) years, continuing the conditions outlined in the existing order (BZA Order No. 15537). A copy of BZA Order No. 15537 is attached.

Attachments

AA/jf



Site
Zones
Squares

BZA Application # 16724
Special Exception to Continue a Parking Lot at 3053 M St, NW

D.C.Office of Planning

100 0 100 200 Feet

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 15537 of Samuel M. Levy, et al, pursuant to 11 DCMR 3108.1, for a special exception under Sections 214 and 322 to continue to operate a parking lot in a C-2-A/R-3 District at premises 3053 M Street, N.W., (Square 1209, Lot 910).

HEARING DATE: September 11, 1991
DECISION DATE: September 11, 1991 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to ANC 2E and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission (ANC) 2E. ANC 2E, which is automatically a party to the application, submitted written issues and concerns relative to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 214 and 322. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be advese to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. It is therefore **ORDERED** that the application is **GRANTED, SUBJECT** to the following **CONDITIONS:**

a. Apaproval shall be3 for a period of **TEN YEARS** from the date of expiration of the previous Certificate of Occupancy, namely until April 21, 2001

b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material frorming 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.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the Order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Maybelle Taylor Bennett, Paula L. Jewell, Sheri M. Pruitt, Charles R. Norris and Carrie L. Thornhill to grant).

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

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: SEP 24 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "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 CONSUMER AND REGULATORY AFFAIRS.

ord15537/LJP