GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORADUM

TO: Board of Zoning Adjustment

FROM: ALS for Andrew Altman, Director
Office of Planning

DATE: November 2, 2001

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 16796

The attached Final Report concerning the application for Case Number 16796 is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16796
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.16796
EXHIBIT NO.25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORANDUM

Office of the Director

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: November 6, 2001

SUBJECT: BZA Case # 16796

APPLICATION-IN-BRIEF

Applicant: Marc Barnes
1350 Okie Street, N.E.
Square 4038, Parcel 142/103

Relief Sought: Pursuant to 11 DCMR § 3103.2 a variance from the off-street parking requirements under subsection 2101.1, for a 2300 seat restaurant/public hall in the C-M-2 district at premises 1350 Okie Street, N.E., Square 4038, Parcel 142/103.

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the variance requested from the off-street parking requirements be approved.

Applicant's Justification

The applicant is requesting a variance from the parking requirements identified under §2101.1 of the Zoning Regulations, because the subject structure occupies almost 100% of Parcel 142/103, with the exception of a 10-foot setback on the rear of the property. When the property was first developed around 1939, the Zoning Regulations did not require industrial lots to provide on site parking spaces. The applicant desires to be reviewed by that same standard.

SITE AND AREA DESCRIPTION

The subject premise is in the Ivy City neighborhood of Ward 5. The neighborhood is a triangular-shaped area, generally bounded by Montana Avenue to the northeast, West Virginia Avenue to the southeast, Mount Olivet Road to the southwest and New York to the northwest. The site is at 1350 Okie Street, N.E., which is one block south of New York Avenue.

The subject area is included in the city's major industrial spine, an area that generally follows the New York Avenue rail corridor, in a northeasterly direction, out of the city. Most of the Ivy City Neighborhood is used overwhelmingly for industrial purposes. There are residential structures concentrated between Central Place to the northeast, west Virginia Avenue to the east, Mount Olivet Road to the south and Gallaudet Street to the west. The majorities of these structures are deteriorating and are considered to be in poor to fair condition. The Housing Element of Title 10, Ward 5 Plan, identifies Ivy City as an area where there exists a need to rehabilitate and improve the housing stock as a major objective.

ANALYSIS

The existing property is developed with a 12,330 square foot three story vacant warehouse structure. The most recent Certificate of Occupancy for the property, issued by the Department of Consumer and Regulatory Affairs on September 26,1997, to the National Association of Concerned Veterans, was for a private club with 440 seats.

The applicant proposes to renovate the building and convert it into a three-story restaurant/public hall, which would contain 37,000 square feet of floor area. There would also be a 3,000 square foot roof top deck on the western portion of the building.

Under subsection 2101.1, the applicant would be required to provide one parking space for each 10 seats of occupancy capacity for the first 10,000 seats, plus one additional parking space for each 20 seats above the first 10,000; provided that where such seats are not fixed, each seven square feet usable for seating shall be considered 1 seat (standard size 9' x 19') in the commercial light manufacturing C-M-2 Zone. This would require the applicant to provide a minimum of 230 parking spaces. Because the subject structure occupies almost the entire property, no parking spaces can be provided on site. The Zoning Administrator's office review of the applicant indicated that Board of Zoning Adjustment approval was required for a variance from the parking requirements under subsection 2101.1 of the Code.

The applicant recognizes that providing customers with parking spaces in close proximately to public hall/restaurant is critical element to the success of the business. In order to address the parking issue, (which exists because of the inability to provide parking on the principal lot) the applicant, in the alternative, proposes a combination of leased spaces at two nearby private parking lots and some use of the public space on streets, which abut Okie Street. The first privately owned parking lot is on the west side of Kendall Street, less than one block from the subject building. This 11,413 parking lot can accommodate approximately 78 passenger vehicles. The second lot is at the intersection of New York and Fairview Avenues. This 25,000 square foot lot can accommodate approximately 120 passenger vehicles. Additionally, the applicant proposes to utilize the public streets abutting the subject structure for some customer

parking. It is estimated that there are 50 parking spaces on both sides of the 2000 blocks of Kendall & Fenwick Streets, and 75 spaces on the 1300 block of Okie Street, which is the subject block. The combined number of parking spaces in the applicant's parking plan totals 323 and far exceeds the number of spaces that are required under § 2101.1 of the Zoning Regulations.

AREA ZONING

The subject site is in the C-M-2 zone district. The C-M district is designed to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that would minimize any adverse effect on other nearby, more restrictive districts. Heavy truck traffic and loading and unloading operations are expected to be characteristic of C-M districts.

APPLICANT'S PROPOSAL

The applicant, pursuant to 11 DCMR § 3103.2 is requesting a variance from the off-street parking requirements under subsection 2101.1, to develop a 2300 seat restaurant/public hall in the C-M-2 district at premises 1350 Okie Street, N.E., Square 4038, Parcel 142/103. The relief is necessary because the existing structure on the site consumes one hundred per cent (12,330 sq. ft.) of the property and therefore, does not have available space for any parking opportunities. The restaurant/public hall would be a three-story building, and containing 37,000 square feet.

RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the subject site as being in the ***Production and Technical Employment Land Use Category***. The principal uses in this category are restructured industrial land intended to encourage growth industries and industries with a high ratio of employees to land area occupied, such as office support systems, communications, printing and publishing, wholesaling, transportation services, food services, warehousing, and other commercial activities that generally do not occur to substantial degree in other commercial areas.

REQUESTED ZONING RELIEF

Pursuant to 11 DCMR § 3103.2 a variance from the off-street parking requirements under subsection 2101.1, for a 2300 seat restaurant/public hall in the C-M-2 district at premises 1350 Okie Street, N.E., Square 4038, Parcel 142/103.

AUTHORITY TO GRANT VARIANCE

11 DCMR § 3103.2 is the D.C. Code provision that authorizes the Board of Zoning Adjustment the power to grant the requested relief.

DOES THE APPLICATION MEET THE VARIANCE TEST?

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary situation or condition?

Yes. The structure on the subject premises occupies almost 100% of the lot. When the property was first developed around 1939, the Zoning Regulations did not require industrial lots to provide on site parking spaces. This preexisting condition removes the applicant's ability to meet the parking requirements on the principal lot.

Why would the strict application of the Zoning Regulations impose a practical difficulty upon the owner of the property?

The applicant could develop the property as a by right use, if not for the inability to meet the parking requirements imposed by the Zoning Regulations. When the property was first developed around 1939, the Zoning Regulations did not require industrial lots to provide on site parking spaces. It would be difficult, if not nearly impossible for the applicant to provide the required number of parking spaces (230) on site, because the existing building covers almost the entire site.

Will the granting of the application cause substantial detriment to the public good and if granted, will it impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

§ 2101 SCHEDULE OF REQUIREMENTS FOR PARKING SPACES

No. The granting of the application will not cause substantial detriment to the public good and if granted, will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. According to subsection 2101.1, the number of parking spaces required for districts zoned for places of public assembly (except hotels) is one parking space for each 10 seats of occupancy capacity for the first 10,000 seats, plus 1 parking space for each 20 seats above 10,000, provided that where such seats are not fixed, each seven square feet usable for seating shall be considered 1 seat. Using this regulation, the applicant would be required to provide 230 parking spaces for a 2,300-seat restaurant/public hall. The lot occupancy of the subject building is almost

100% of the lot. Therefore, the applicant cannot provide any parking spaces on site.

In order to address the parking issue, (which exists because of the inability to provide parking on the principal lot) the applicant, in the alternative, proposes a combination of leased spaces at two nearby private parking lots and some use of the public space on streets, which abut Okie Street. The first privately owned parking lot is on the west side of Kendall Street, less than one block from the subject building. This 11,413 parking lot can accommodate approximately 78 passenger vehicles. The second lot is at the intersection of New York and Fairview Avenues. This 25,000 square foot lot can accommodate approximately 120 passenger vehicles. Additionally, the applicant proposes to utilize the public streets abutting the subject structure for some customer parking. It is estimated that there are 50 combined parking spaces on both sides of the 2000 blocks of Kendall & Fenwick Streets, and 75 spaces on the 1300 block of Okie Street, which is the subject block. The combined number of parking spaces in the applicant's parking plan totals 323 and far exceed the number of spaces that are required under § 2101.1 of the Zoning Regulations.

COMMUNITY COMMENTS

ANC 5B, at its regularly scheduled monthly meeting held on October 4, 2001, voted unanimously to support the variance request.

AGENCY COMMENTS

The District Division of Transportation (DDT) was requested by OP to provide an analysis of the parking plan submitted by the applicant. According to DDT, there should be a minimum of 22 feet designated for each parking space on the public space identified on the applicant's parking plan. The length of the public street divided by the minimum required size of a parking space, minus any driveways, alley entrances or fire hydrants determines the number of spaces on a given block. Both the 2000 blocks of Kendall and Fenwick Streets are approximately 320 feet in length. Using DDT calculations, both blocks can accommodate approximately 14 parking spaces on each side of the block, yielding about 28 parking spaces on each block. When driveways, alley entrances or fire hydrants are factored in, the number of spaces is reduced by approximately four spaces, for a total of 52 spaces, which is consistence with the number of spaces for these two blocks identified in the applicant's parking plan.

The length of the 1300 block of Okie Street, from Kendall Street to Fenwick Street, is approximately 800 feet. By DDT calculations, there are approximately 72 parking spaces (both sides of the block) on the block. Because the applicant plans to provide valet parking for customers who would park in one of the designated parking lots, DDT

estimates that approximately 10 parking spaces at the front of the subject structure would have to be dedicated for valet purposes. This would reduce the total number of available spaces to 62.

The applicant proposes to lease spaces at two nearby parking lots, to contribute towards a total of 230 parking spaces required under 2101.1 It is the applicant's position that the one lot, located at 1249 New York Avenue, N.E., Square 4041, Parcel 142/86, consists of 11,413 square feet contains approximately 78 parking spaces and that the second lot, at 2020 Fairview Avenue, N.E., Square 4039, Lot, consists of 24,999 square feet and contains approximately 120 spaces. According to DDT calculations, there should be a minimum of 285square feet for each parking space on the subject parking (s). Using the referenced calculations, the first lot can accommodate approximately 40 parking spaces and the second lot approximately 88 parking spaces, for a total of 128 spaces on both lots combined. The combined number of parking spaces available on both of the referenced parking lots is approximately 70 less than the applicant calculated. DDT calculates that the total number of parking available in the parking plan submitted by the applicant is 242 spaces. Although the DDT calculated number of spaces is less than the number calculated by the applicant, the 242 spaces exceed the number of spaces required under section 2101.0 of the Zoning Regulations. Accordingly, DDT has no objections to the parking plan submitted by the applicant.

DDT does advice that the applicant provides valid lease agreements for the two (2) parking lots, which should include the accurate number of spaces that that each parking lot contains.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Marc Barnes for a variance from the off-street parking requirements under subsection 2101.1, for a 2300 seat restaurant/public hall in the C-M-2 district at premises 1350 Okie Street, N.E. the Office of Planning recommends that the Board approve the application. The Office of Planning finds that the applicant has satisfactorily met all the tests specified in Sections 3103.2, and 2101.1, and concludes that the application will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Office of Planning does recommend that approval of the variance request be conditioned to the following commitments proposed by the applicant:

- The applicant should be required to provide valid lease agreements for the two (2) parking lots, which should include the accurate number of spaces that each parking lot contains. The parking lots referenced by the applicant in the parking plan are at: 1249 New York Avenue, N.E., Square 4041, Parcel 142/86, which

contain 11,413 square feet of space and contain 78 parking spaces; and a second lot at 2020 Fairview Avenue, N.E., Square 4039, Lot 17, which has 24,999 square feet of space and contain 120 parking spaces.

- The applicant should submit an actual parking plan; the current submission is simply a map indicating the location of the lots, which the applicant proposes to lease. The parking plan should address hours of operation for the valet, precisely where vehicles will be parked, whether there will be a charge, how the applicant will keep patrons from parking in the residential area, etc.

- The two leased parking lots should be required to conform to the provisions of §2303 (Parking Lots), Subsection § 2301.1 through §2301.2. They are:

  - (a) All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with bituminous concrete or brick materials, or a combination of these materials or other material approved by the D.C. department of Public Works as structurally equivalent or better, which from an all-weather imperious surface, and which is a minimum of four inches (4 in.) thickness;
  - (b) The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line;
  - © 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 premise unless the use or structure is otherwise permitted in the district in which the parking lot is located;
  - (d) No vehicular entrance or exit shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb lines extended; and
  - (e) Any lighting used to illuminate a parking lot or its accessory buildings shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.
  - (f) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and be in a neat orderly appearance. 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.

2303.2 In addition to the provisions of 2303.1, a parking lot located in a district where such parking lot is contiguous to an R-1, R-2, R-3, R-4, or R-5-A District, shall be screened from all contiguous residential property located in R-1, R-2, R-3, R-4 or R-5-A District by solid brick or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high or by evergreen growing trees which are thickly planted and maintained and are at least twelve inches (12 in.) in height when planted.

(a) The parking lot shall be screened from all contiguous residential property located in an R-1, R-2, or R-3 district by a solid masonry wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high; and

(b) All parts of the lot not devoted to parking area, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition, and in a neat and orderly appearance.