GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director
Office of Planning

DATE: December 10, 2001

SUBJECT: Waiver of Rules for Late Submittal of the Report on BZA Application No. 16802
Drivers, Chauffeurs, and Helpers Local Union 639
2329 31st Street and 3100 Ames Place, N.E.
Square 4364 Lots 3 and 4

The attached report concerning a request from Drivers, Chauffeurs, and Helpers Local Union 639, requesting renewal of a special exception for an accessory parking lot in a residential zone, is being submitted less than 7 days prior to the Board of Zoning Adjustment's Public Hearing. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16802
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16802
EXHIBIT NO.27

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: December 10, 2001

TO: District of Columbia
Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: BZA Case No. 16802
Drivers, Chauffeurs, and Helpers Local Union 639
2329 31st Street and 3100 Ames Place, N.E.
Square 4364 Lots 3 and 4

Summary

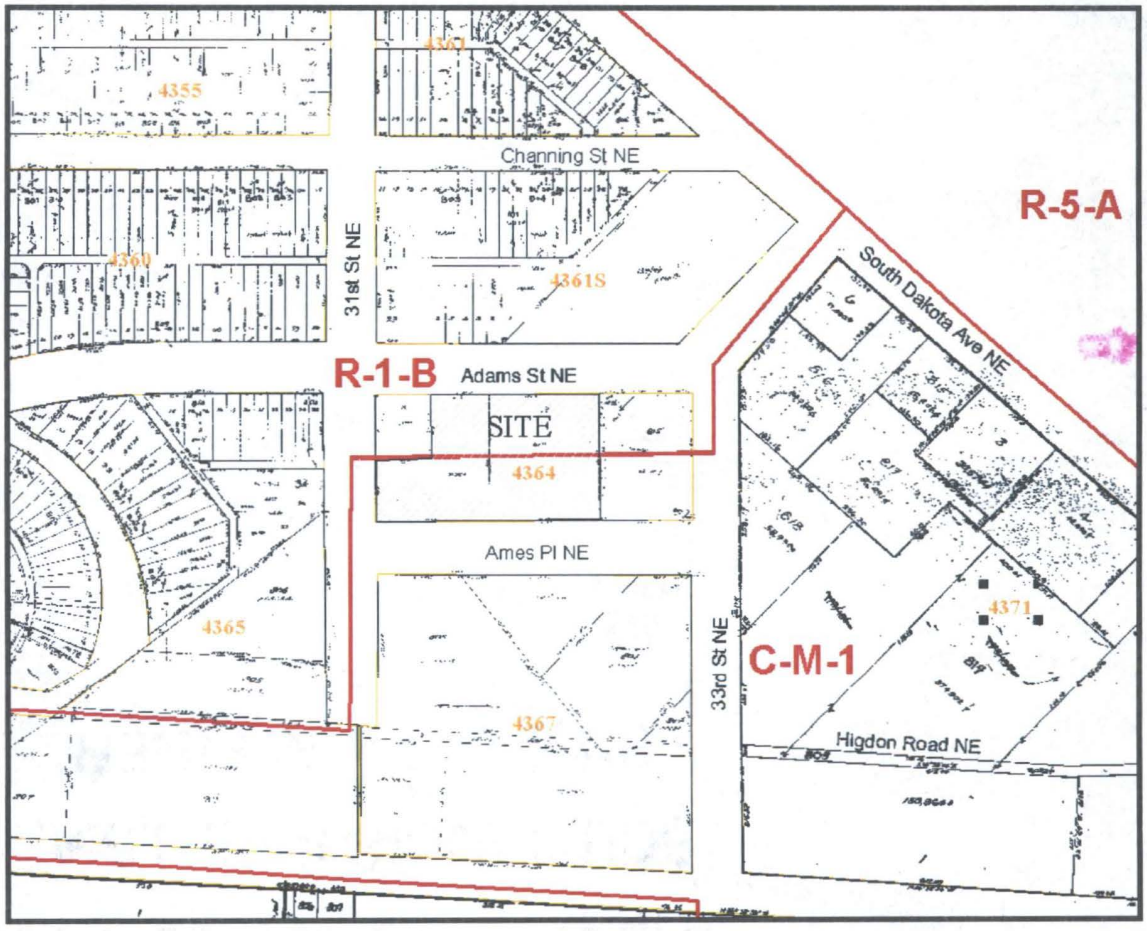
Pursuant to 11 DCMR 3104, the applicant, Drivers, Chauffeurs, and Helpers Local Union 639, the owner of 2329 31st Street and 3100 Ames Place, N.E., seeks extension of the special exception under § 213 to continue the use of a previously Board approved surface parking lot in an R-1-B Zone District which serves the adjacent offices, meeting hall and public hall of the Union in a C-M-1 Zone District. The applicant requests relief in order to continue the operation of an accessory parking lot in the R-1-B Zone District, which was granted in the BZA order for Application No. 16013. The applicant has provided no evidence showing full compliance with the existing conditions.

The applicant has not complied with the condition of the previous approval that was established to mitigate the adverse impacts of the parking lot on the Gateway neighborhood. Based on the non-compliance with the full condition the Office of Planning recommends denial of BZA application 16802, or if the Board agrees, deferment of the application until the February 2002 meeting to allow the applicant to work with the ANC and the Gateway Community Association to re-establishing the liaison committee required by Condition #2 and work out an agreement with them on continued use of the property as a public hall. Based on the above analysis the Office of Planning recommends denial of BZA application 16802.

BZA
Case No. 16802
Exhibit No. 27

Background

The subject lots are located on the north side of Ames Place, N.E. at the intersection with 31st Street. The lots are identified as Square 4364, Lots 3 and 4 and are addressed in the tax records as 2329 31st Street and 3100 Ames Place, N.E respectively. Square 4364 is generally located north of New York Avenue between South Dakota Avenue and Bladensburg Road, N.E in the Gateway neighborhood. The existing lots are through lots to Adams Street, N.E. improved with two structures and an existing parking lot. The parking lot is accessed by way of Ames Place, and fronts on Adams Street. The two lots are split into two zones. The southern portion of the site, which contains the two structures and some of the parking is located in the C-M-1 Zone District. The northern portion of the site contains the remainder of the parking lot in the R-1-B Zone District.



Approximately 30,000 square feet of the 80,840 square foot land area of the two lots is in the R-1-B Zone District. This area contains 83 of the 149 parking spaces provided on the site. The parking lot is screened from residential areas by a 6-foot high masonry wall. The wall is screened with evergreen plantings along its exterior perimeter facing Adams Street, N.E.

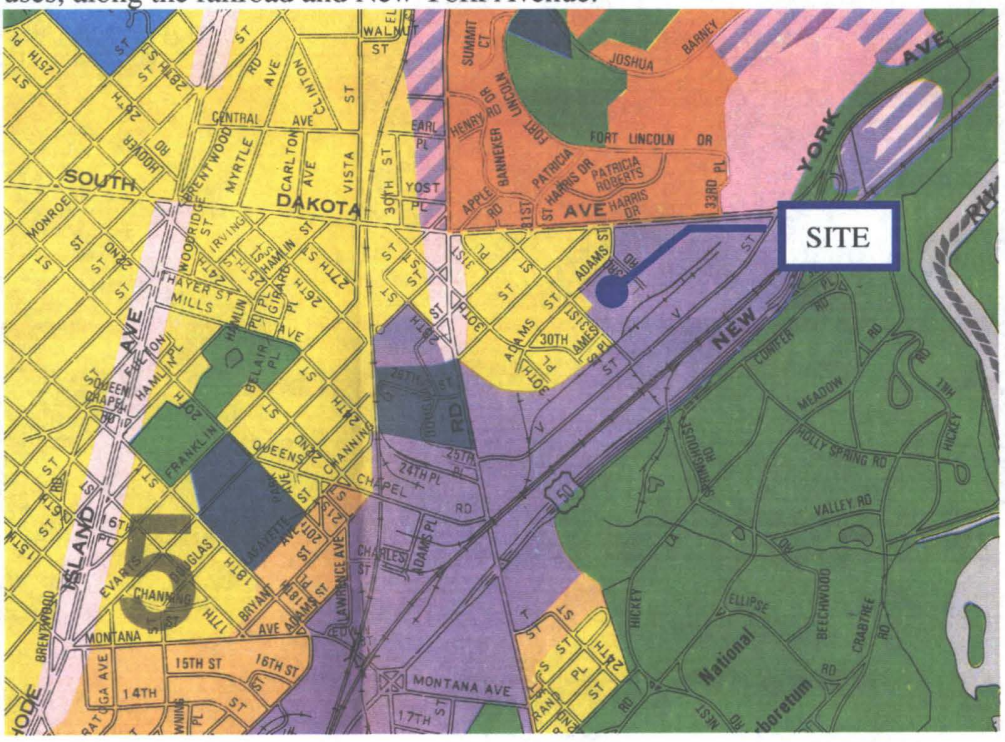
The parking lot, which is the subject of this application, has been used as a parking lot for the past thirty-two years, having been first approved by the Board in 1969, by Order No. 10111. The most recent approval by the Board, Order No. 16013, was on October 1, 1996. That approval has since lapsed having a 5-year term. The parking serves the existing uses on the C-M-1 portion of the property of offices and meeting hall for the labor union.

PROJECT DESCRIPTION

Pursuant to 11 DCMR 3104, the applicant, Drivers, Chauffeurs, and Helpers Local Union 639, requests approval of a special exception as required by §213 to continue the use of a surface parking lot in an R-1-B District.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the site as being in the Production and Technical Employment land use category. This category designates restructured industrial land intended to encourage growth industries and industries with a high ratio of employees to land area occupied, such as office support services, communications, printing and publishing, wholesaling, transportation services, food services, and tourism support services. The Plan further delineates the areas to the north and the northwest corner of Square 4364 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. The area to the south is also designated Production and Technical Employment land use and contains commercial and industrial uses, along the railroad and New York Avenue.



ANALYSIS

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

In the past, 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:

The subject site has been Board approved for parking purposes over the past thirty-two years. The applicant's special exception request, anticipates 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.

Granting of the special exception for the requested parking lot may affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The parking lot serves permitted uses on the C-M-1 portion of the property. There is a masonry wall separating the parking from neighboring residential property. However, the availability of the parking permits the use of the subject site as a public hall that is adversely affecting the neighboring residential properties.

In response to concerns raised by ANC 5A and the Gateway Community Association regarding the adverse impacts of the use of the subject property as a public hall and the Board's concern over the maintenance and use of the accessory parking lot, the BZA granted the special exception in 1996 with the following conditions:

1. Approval shall be for a period of FIVE YEARS.
2. The applicant shall establish and maintain a community liaison program consisting of representatives of the applicant, the ANC, the Gateway Community Association and the neighborhood. The applicant shall conduct meetings of the community liaison members at least twice a year. Notice of the meetings shall be given to the ANC, the Association and the owners of all property within 200 feet of the site. The applicant shall be responsible for keeping minutes of all meetings and providing biannual reports with the Board at the time of filing an application for continuance of the special exception relief.
3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious

surface.

4. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over public space.
6. 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.
7. 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.

Based on the lack of evidence in the record to indicate otherwise and the testimony before ANC5A on this case at its meeting December 6, 2001, Condition #2 has not been met. Based on the report from DPW of December 5, 2001 and the photographs submitted to the record in this case Conditions #3 through 7 have been met.

Further, in the last application, the applicant 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 remains 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 the same lots, as the commercial uses it serves.

§ 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. Section 2303 requires that:

- The parking lot surface be a minimum of four inches in thickness and paved with material approved by DPW as being all weather impervious;
- No vehicle using the parking lot project over any lot line or building line; and
- 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 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.

According to DPW's report, the proposed continuation of the existing use will not create any dangerous or otherwise objectionable traffic conditions as a result of the subject parking lot or cause a large increase in the traffic volume for neighboring streets.

§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.

As noted in DPW's report, on-street parking near the subject site serves adjacent residential, industrial and manufacturing uses, but does not adequately meet the parking demand of the site. If the lot were to cease its present use as a parking lot, the lack of parking spaces will negatively affect the parking supply on neighboring residential streets. According to testimony at the ANC5A meeting some events on the site inundated local neighborhood streets with cars. This and the disruptive behavior of the site's patrons have adversely affected the residential neighborhood to the north and west.

§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 use of the subject property as a meeting hall and public hall creates the greatest demand in the area for parking spaces. Provision of the parking facility reduces the demand for nearby on-street parking.

COMMUNITY COMMENTS

At a meeting on December 6, 2001, Advisory Neighborhood Commission (ANC) 5A voted (with one abstention) to oppose the application, because the applicant has failed to comply with condition 2 of the previous extension.

RECOMMENDATION

The applicant has not complied with the condition of the previous approval that was

established to mitigate the adverse impacts of the parking lot on the Gateway neighborhood. Based on the non-compliance with the full condition the Office of Planning recommends denial of BZA application 16802, or if the Board agrees, deferment of the application until the February 2002 meeting to allow the applicant to work with the ANC and the Gateway Community Association to re-establishing the liaison committee required by Condition #2 and work out an agreement with them on continued use of the property as a public hall. Based on the above analysis the Office of Planning recommends denial of BZA application 16802.

Attachment
1. Aerial Photograph



District of Columbia

BZA Case No. 16802

DC Office of Planning
December 4, 2001

N

ANC 5A
SITE

Scale 1:1200
20 0 20 40 60 Feet
5 0 5 10 15 Meters

Attachment 1