GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Andrew Altman, Director

DATE May 22, 2002

SUBJECT: BZA Application 16873 – Request filed by Shaw Pittman for a special exception to continue the use of an existing parking lot, proposed by the National Association for the Education of Young Children (NAEYC) at 1522-1526 Church Street, N.W.

APPLICATION
Application of Shaw Pittman for:

> **Special exception relief pursuant to Section 3104.1 of Title 11 DCMR** to permit the continued use of an existing parking lot

for property located on the south side of Church Street and the north side of the public alley, between 15th and 16th Streets, N.W., 1522-1526 Church Street, Square 194, Lots 50-52. The property is zoned DC/R-5-B.

SUMMARY RECOMMENDATION
The Office of Planning recommends approval of the request for special exception relief as submitted by the applicant, and as granted by the Board of Zoning Appeals on February 16, 2000, BZA Order No. 16548.

A copy of BZA Order No. 16548 is attached.

PROJECT DESCRIPTION
The applicant proposes to extend the special exception permitting a parking lot on the subject property, which has been used as such since 1992. The applicant requests to continue use of the subject property while it investigates a permanent development plan. Permission was last granted by the BZA for this use on February 16, 2000, subject to the following conditions:

BZA
Case No. 16873
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16873
EXHIBIT NO.23

*"1. Approval shall be for **TWO YEARS**.*

2. *Visitors and employees of the National Association for the Education of Young Children shall use the parking lot during business hours.*

3. *The NAEYC shall obtain a Certificate of Occupancy, as soon as it is in receipt of the Board's Order.*

4. *During the evenings and on weekends, the parking lot shall be made available to members of the community and to nearby churches.*

5. *The parking lot shall be posted with a sign, which limits its use during the day exclusively to the NAEYC. The existing signage shall be modified to indicate that the lot is reserved for NAEYC members from 7:00 a.m. to 6:00 p.m., Monday through Friday.*

6. *All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. At least 5 percent of the lot shall be landscaped.*

7. *A designated person shall police the parking lot on a regular basis, Monday through Friday, for security purposes.*

8. *The parking lot shall be striped so as to designate the location of all parking spaces.*

9. *Lighting shall be provided to sufficiently illuminate all areas of the lot. Such illumination shall be so arranged that all direct rays of the lighting are confined to the surface of the parking lot.*

10. *The Applicant shall implement the proposed landscaping and maintenance contract (Exhibit No. 33 of the record)."*

A copy of Exhibit No. 33 is attached.

Based on the applicant's statement and a visual inspection of the site, the subject property appears to be in conformance with all of the conditions of the previous special exception approval (BZA No. 16548). Condition No.1 states that the approval is for two years only, and the Certificate of Occupancy, issued March 21, 2000, expired on March 21, 2002. The only change to parking lot proposed by the applicant in this application is a reduction in the number of parking spaces provided. A total of 19 parking spaces are proposed, two fewer than the 21 previously approved. The parking lot is currently striped for 18 parking spaces.

SITE AND AREA DESCRIPTION

The property consists of Lots 50, 51 and 52, Square 194, in the North West quadrant of the District. The property is located on the south side of Church Street, mid-block between 15th and 16th Streets, in the 1500 block of Church Street. It is improved as an 18-space parking lot, with two of the spaces reserved for the physically handicapped. Access to the site is from the south, via the public alley. The site is posted restricting parking to NAEYC between the hours of 8:00 am to 5:00 pm, Monday through Friday. Two 3-foot high brick walls, parallel to Church Street, serve to screen the parking spaces, but not the drive aisle, from Church Street. Twenty-three evergreen trees have been planted between the Church Street sidewalk and the asphalt paving of the parking lot. Five evergreen trees are planted along the western property line north of the adjoining structure, and five evergreen trees are planted south of the adjoining structure. No evergreen trees are planted along the side of the row house, as shown on the drawing accompanying Exhibit No. 33. However, the total number of evergreen plantings is in excess of that proposed on the plan (33 verses 20). A chain separates the subject property from the parking lot to the east. A single light pole centrally located along the western property line illuminates the parking lot.

The surrounding area is developed primarily with row houses and apartment buildings, but also includes offices and community facilities. To the north, across Church Street, and to the south, across the alley, are residential uses. To the east is a parking lot for Saint Luke's Episcopal Church. To the west is a row house, with no windows or openings facing the subject property.

ZONING REQUIREMENTS

The subject property is located in the R-5-B district, moderate density residential, and the DCOD, Dupont Circle Overlay District.

R-5 Residential Districts

The R-5 districts are "designed to permit flexibility of design by permitting in a single district,...all types of urban residential development if they conform to the height, density, and area requirements established for these districts..."

Dupont Circle Overlay District

The DCOD is "to require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk; and to ensure a general compatibility in the scale of new buildings with older, low scale buildings by restricting the maximum permitted height and floor area ratio of new buildings to that of the underlying zone."

A parking lot is a permitted use within Residence Districts pursuant to Section 213, subject to Board of Zoning Adjustment approval.

RELIEF REQUESTED

Special Exception pursuant to Section 213 – Parking Lots

Section 213 sets forth the specific criteria under which parking lots may be permitted by special exception within residence districts by the Board of Zoning Appeals. The criteria are as follows:

"213.1 Use as a parking lot shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of Chapter 31 of this title, subject to the provisions of this section.

213.2 A parking lot shall be located in its entirety within two hundred feet (200 ft.) of an existing Commercial or Industrial district.

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

213.4 All provisions of Chapter 23 of this title shall be complied with.

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.

213.6 The parking lot shall be reasonably necessary and convenient to other uses in the vicinity, so that the likely result will be a reduction in over-spill parking on neighborhood streets.

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.

213.8 Before taking final action on an application for use as a parking lot, the Board shall submit the application to the D.C. Department of Public Works for review and report."

The subject parking lot was found to be in compliance with Section 213 by BZA Application No. 16548, subject to the conditions of approval. The "Statement of Existing and Intended Uses," submitted as a part of this application, and a visual inspection of the property, indicate that the existing parking lot is in conformance with the conditions of approval. A Certificate of Occupancy was obtained; the lot is available to members of the community and nearby churches evenings and weekends; the lot is posted for NAEYC use only during business hours; the lot is paved and landscaped; the parking lot is striped; and a light pole for illumination is provided. The applicant has indicated that the parking lot is inspected and cleaned each morning before 9:00 am by a NAEYC maintenance person.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of Section 213, and that in granting the relief, the

intent and purpose of the chapter and "the present character and future development of the neighborhood will not be affected adversely." (Section 213.5)

COMPREHENSIVE PLAN
The Generalized Land Use Map recommends the Moderate Density Residential land use for the subject property: "Row houses and garden apartments are the predominant uses; may also include low-density housing."

This proposal will contribute towards "providing additional parking ... for evening and weekend use in areas where parking is a problem" and "requiring parking lots to be screened, landscaped, fenced and locked up at night or when closed." (Section 1311.1)

The subject property has been identified on the Generalized Land Use Policies Map 2 as being located within the Dupont Circle Special Treatment Area. To implement this designation, it has been placed within the Dupont Circle Overlay District.

COMMUNITY COMMENTS
ANC 2-B considered the project at their meeting of May 8, 2002, and unanimously voted to approve the proposal to extend the use of the subject as a parking lot for a period of five years.

RECOMMENDATION
The Office of Planning has reviewed the application in terms of the property's zoning, intensity of use, the character of the neighborhood and the standards for special exception. OP concludes that the special exception meets the required tests and can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone map as embodied in the Zoning Regulations and Map".

The Office of Planning recommends approval of the following:

> **Special exception pursuant to Section 213 of Title 11 DCMR** to permit a parking lot.

AA/sjm$_{AICP}$