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OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: July 15, 2002

SUBJECT: BZA Case #16899, Special Exception Request

I. APPLICATION-IN-BRIEF

Applicant: Norman Glasgow Jr., Holland & Knight LLP

Owner: BDC Q Street LLC

Address: Intersection of 1st Street and Q Street NE, Washington DC 20002
Square 3519, Lot 801

Zoning: R-4 (Residential, Row Dwellings and Flats)

Relief Sought: Pursuant to 11 DCMR §3104, the applicant is requesting a special exception and variance to continue and expand the use of an approved accessory parking lot and to vary landscape requirements.

Relief Sought Under: §214 and §2303.3.

Regulations Require: Approval by the Board of Zoning Adjustment.

Proposal: The applicant wishes to continue and expand the previously permitted accessory parking lot use on this site. The Zoning Administrator has determined that:

- The use requires the approval of the BZA, in accordance with §2116.5, and does not meet requirements related to screening and landscaping;
- and therefore requires special exception relief under §214.1 and 2303.3.

BZA
Case No. 16899
Exhibit No. 24

II. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends the subject application be approved, subject to meeting site design improvement requirements related to landscaping.

III. SITE AND AREA DESCRIPTION (see Attachment I)

Square 3519 in the Eckington neighborhood of Ward 5 is bound by Q Street NE to the south, 1st Street NE to the west, Quincy Place to the north, and Eckington Place to the east. North Capital Street is one block to the west. In the immediate vicinity are row houses to the west and low-rise commercial / office to the south and east. Directly to the north is the site of the former Eckington School, now residences. Directly to the east is an office building, also owned by BDC Q Street LLC and the building for which the parking is being used. The property is not close to a Metro station, but buses run on North Capital St. NE, one block to the west.

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IV. AREA ZONING

The property is in the R-4, zone district, which primarily permits residential row houses and flats. The zone permits accessory parking lots (lots not on the same property as the building they serve) if approved by the BZA.

Directly to the south and along North Capital Street is land zoned C-2-A (low to moderate density business center). The land across Q Street is within the Capital City Market Priority Development Area. Slightly further south is land within the Downtown Metro Development Area. To the east, across Eckington Place, is land zoned M (general industry), including the tracks leading to Union Station.

V. EXISTING CONDITIONS AND APPROVALS

The subject property is at the intersection of 1st Street NE and Q Street NE. The natural terrain slopes up from Q Street to the rear alley. Retaining walls on the road rights-of-way and a level playing area for the former Eckington School were constructed many years ago. The retaining walls are in good condition, and vary in height from about 5.5' to 4' along Q Street going east to west, and from 4' to 2' along 1st Street, going south to north. They are located approximately 15.75 feet onto the Q Street right-of-way, and 19' onto the 1st Street road right-of-way. There are higher brick columns at irregular intervals, and a chain link fence around the site at the top of the wall. The parking surface is approximately flush with the top of the wall and is also in good condition. Vehicular access is from the rear alley. A recently constructed off-site ramp and set of stairs on Q Street provides pedestrian access to the adjacent building and street level. The property is about 8,900 square feet; the additional area on the road right-of-way adds 3,150 square feet to the size of the parking lot.

When the school was sold and converted to residential use (in the early 1980's), the parking site was sold to the owner of a business located across Q Street. The then owner applied to the BZA in 1982 for permission to use the site to provide 22 parking spaces (case # 13841). At its November 03, 1982 meeting, the BZA approved the application for a period of 2 years, subject to:

- the installation of an 8' high chain link fence with brown vinyl or wood diagonal strips to act as a visual barrier from surrounding residences;
- the lot being used only for employees and customers of the applicant company during the day, and by company vehicles overnight, and that the lot be locked overnight; and
- a limit of 22 spaces maximum.

A 1999 photo shows low barriers on the parking lot surface that appear to restrict parking to the portion of the lot within the property lines and to the permitted 22 spaces. These have been removed, and the lot has been painted to provide spaces for about 33 cars. Two tall, directional light standards have been added. The lot was approximately half full on a weekday morning.

A sidewalk and a narrow planting strip are located between the retaining walls and the edge of road pavement. The 1999 air photo shows small trees in the planting strip – these trees are no longer present. The owner advises that the District required that the sidewalks be widened, and removed the trees.

The property sold to the current owner in 2000, who has undertaken considerable improvements to the appearance of the parking lot and the adjacent office building.

VI. PROJECT DESCRIPTION

As noted in the letter and photos (Attachment II) from the applicant, the current owners of the lot wish to continue to use the site for accessory parking. Parking would be used predominantly by employees of businesses in the adjacent office building. The plan (Attachment III) indicates that the intent is to increase the number of parking spaces to 39, utilizing the entire paved surface. A building permit has been issued to replace

the chain link fence with a new wrought iron fence and new parking light fixtures. The owner advises that the gate on the alley would be made a controlled access gate, with electronic openers issued to regular lot users.

VII. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

§1621 *Ward 5 Actions in Support of Urban Design:*

§1621(a)(1) *Greater emphasis needs to be given to the design and buffering of industrial and commercial activities adjacent and near to residential communities to protect residents from negative impacts of incompatible design, height, scale, traffic circulation, noise, litter, employee and patron parking, and other impacts of nonresidential activities.*

The design and safety improvements to the existing parking lot generally support the promotion of streetscape / design and safety improvements, while retaining the site for parking (to minimize potential parking conflicts in neighboring residential areas), and leaving the site relatively available for future, positive development which would contribute to the quality of the neighborhood.

The Comprehensive Plan Generalized Land Use Map depicts the subject site as being in the ***Moderate Density Residential Land Use Category***, row houses and garden apartments being the predominant uses. The site is directly adjacent to lands depicted as ***High Density Commercial*** and ***Production and Technical Employment***.

VIII. REQUESTED ZONING RELIEF

§214 of the Zoning Regulations states that accessory parking is permitted if approved by the Board of Zoning Adjustment, provided it meets the following requirements:

- *§214.2 - an open area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finished grade.*

  Conforms - this is an open parking area.

- *§214.3 - located entirely within 200' of the building site to which they are accessory.*

  Conforms.

- *§214.4 - contiguous to the use to which they are accessory.*

  Conforms.

- *§214.5 - complies with all Zoning Regulations requirements of Chapter 23, Garages, Carports, parking Lots and Gasoline Service Stations.*

  See below (page 4)

- *§214.6 – it is economically impractical or unsafe to locate the spaces within or on the same property as the principal use.*

  Conforms - in this case, both the parking lot and the adjacent building that it would serve are already in existence. The existing building, which appears to be in good condition, covers the entire site and there is no opportunity for providing parking on-site.

- *§214.7 – accessory parking is to be located and designed so as to not likely be objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.*

  Generally conforms - the lot is located at the intersection of two streets. The only adjoining property would utilize the lot. The lot is well maintained and does not appear to generate excessive traffic, while alleviating potential street parking concerns. Additional landscape screening, however, may be of benefit to close by residents.

- *§214.8 – before taking final action on an application for use as an accessory parking space, the Board shall submit the application to the D.C. Department of Public Works for review and report.*

  The application has been referred to DPW as required, although the parking is currently in place.

- *§2303 – Parking Lots*
- *§2303.1 – A parking lot in any district shall conform to the following special provisions:*
  - *(a) shall be paved and maintained with bituminous concrete or brick materials approved by the DC Department of Public Works as structurally equivalent or better.*

    Conforms – the paved surface is in existence and appears to be in good condition.

  - *(b) no vehicle or any part of a vehicle may project over any lot or building line.*

    Does Not Conform – the proposed lot layout extends beyond the lot line into the public right-of-way. The 1982 BZA approval was for a 22 space parking lot. Although a plan of the proposed layout at that time is not currently available to OP staff, it is assumed that parking was proposed to be on the site only, even though the paved area at the time extended to the retaining wall location on the road right-of-way. The transcripts from the BZA meeting at the time did not indicate a request to park on DC lands. The 1999 aerial photo corroborates this. The new owner is requesting a parking layout that would include 16 spots to be located entirely (4) or partially (12) on the road right-of-way. The applicant advises that they have entered into a lease agreement with the District for the use of this land.

  - *(c) no other use shall be conducted from or on the premises and no structure other than an attendant's shelter shall be erected on the premises unless the use or structure are otherwise permitted.*

    Conforms – the site would be used for parking, and an attendant's shelter is not proposed.

  - *(d) no vehicular entrance or exit shall be within 40' of a street intersection.*

    Conforms – the existing entry from the alley is approximately 40' from 1st Street, and over 150' from the nearest street intersection (Q and 1st Streets NE).

  - *(e) lighting shall be arranged so that all direct rays are confined to the surface of the parking lot.*

    Conforms – Appears to conform – two new directional light standards have been recently installed.

  - *(f) the lot shall be kept free of refuse and debris, and shall be landscaped with trees and shrubs covering a minimum of 5% of the total parking lot area, or an area as determined by the Board of Zoning Adjustment.*

    Does not conform - there is currently no on-site landscaping, and the planting strips in the Q and 1st Street rights-of-way are not well maintained. Including the raised paved area on District land, the required amount of landscaped area would be 602.5 square feet.

- *§2303.2 – shall be screened from all contiguous residential property by a solid brick or stone wall at least 12" thick and 42" high, or by evergreen hedges or trees which are thickly planted and maintained at a height of at least 42". These requirements may be waived or modified by the Board of Zoning Adjustment as per §2303.3, 4 and 5.*

  Technically conforms, as there are no contiguous residential properties. However, there are residential lots both across the alley and across 1st Street NE from the site.

IX. DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Will the special exception be in harmony with the general purpose and intent of the Zoning regulations and Maps?

Yes. The property is on the transition between residential and office / industrial uses. Requiring removal of parking use from the site would likely result in on-street parking congestion, as well as the creation of an unused, potentially unsightly lot.

Will the special exception adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps?

No. The parking lot has been in existence for many years. OP recommends that the approval be made subject to improvements to embellish streetscape character and to minimize potential impacts on neighbors, through the proper landscaping and re-installation of trees on the existing, underutilized planting strip adjacent to the street.

X. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

The proposal was presented to ANC 5C on Tuesday June 18, 2002. The ANC notes support, but requested that the applicant discuss it further with the Eckington Civic Association. The owner has contacted the Association and will advise the BZA of discussions, at the BZA meeting.

XI. OTHER AGENCY COMMENTS

OP has not received comments from other agencies or departments.

XII. OP SUMMARY RECOMMENDATION

Given that the paved surface and the retaining walls were constructed many years ago by the District; that the site has been used for parking for about 2 decades, and both the walls and the paved surface appear to be in good condition, the Office of Planning recommends that the BZA approve the special exception request. Approval of this application is consistent with the Comprehensive Plan and Generalized Land Use map, and would not undermine the integrity of the Zoning Regulations.

However, approval should be subject to the owner replacing and augmenting the landscaping of the planting strips adjacent to the streets, including the re-installation of street trees on 1st Street NE to partially screen the lot without jeopardizing safety, to the approval of the Department of Public Works.

BZA Case # 13841 included requirements that the parking be for the exclusive use of employees, visitors and customers of the owner of the site; and the parking lot be used only for the parking of company vehicles from 7 p.m. to 6 a.m. and locked during those hours. OP is of the opinion that making it a controlled access lot which requires an electronic gate opener satisfies the intent of these requirements, as only employees would have openers, and there would be limited if any use of the lot after normal business hours.

AA/jl



Feature Key

Zoning Boundaries

Square Index

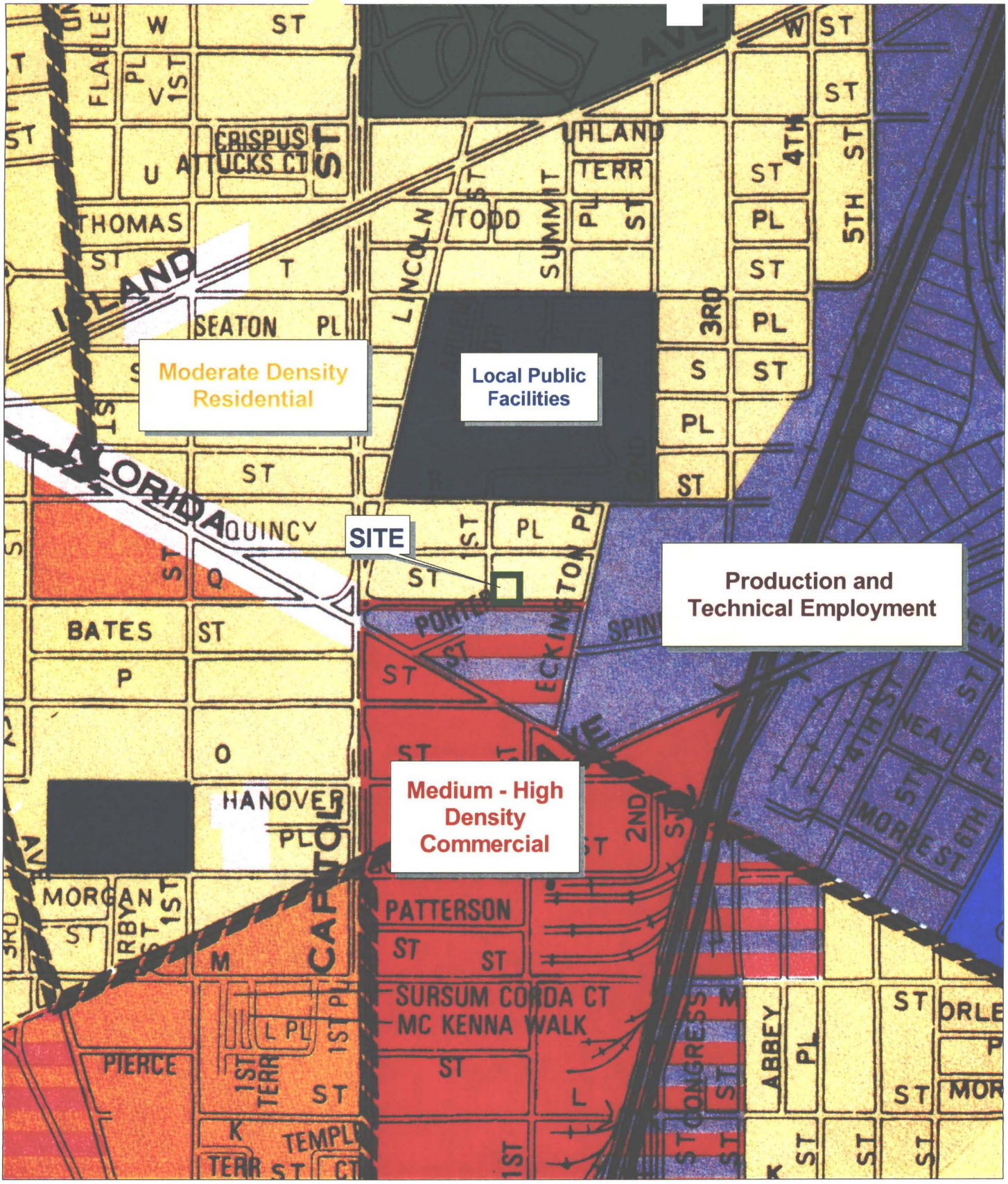
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DC Office of Planning
June 20, 2002

Scale 1:1024

25 0 25 50 75 100 Feet

Attachment 1



Board of Zoning Adjustment
Application No. 16899
Generalized Land Use Map

DC Office of Planning
June 20, 2002

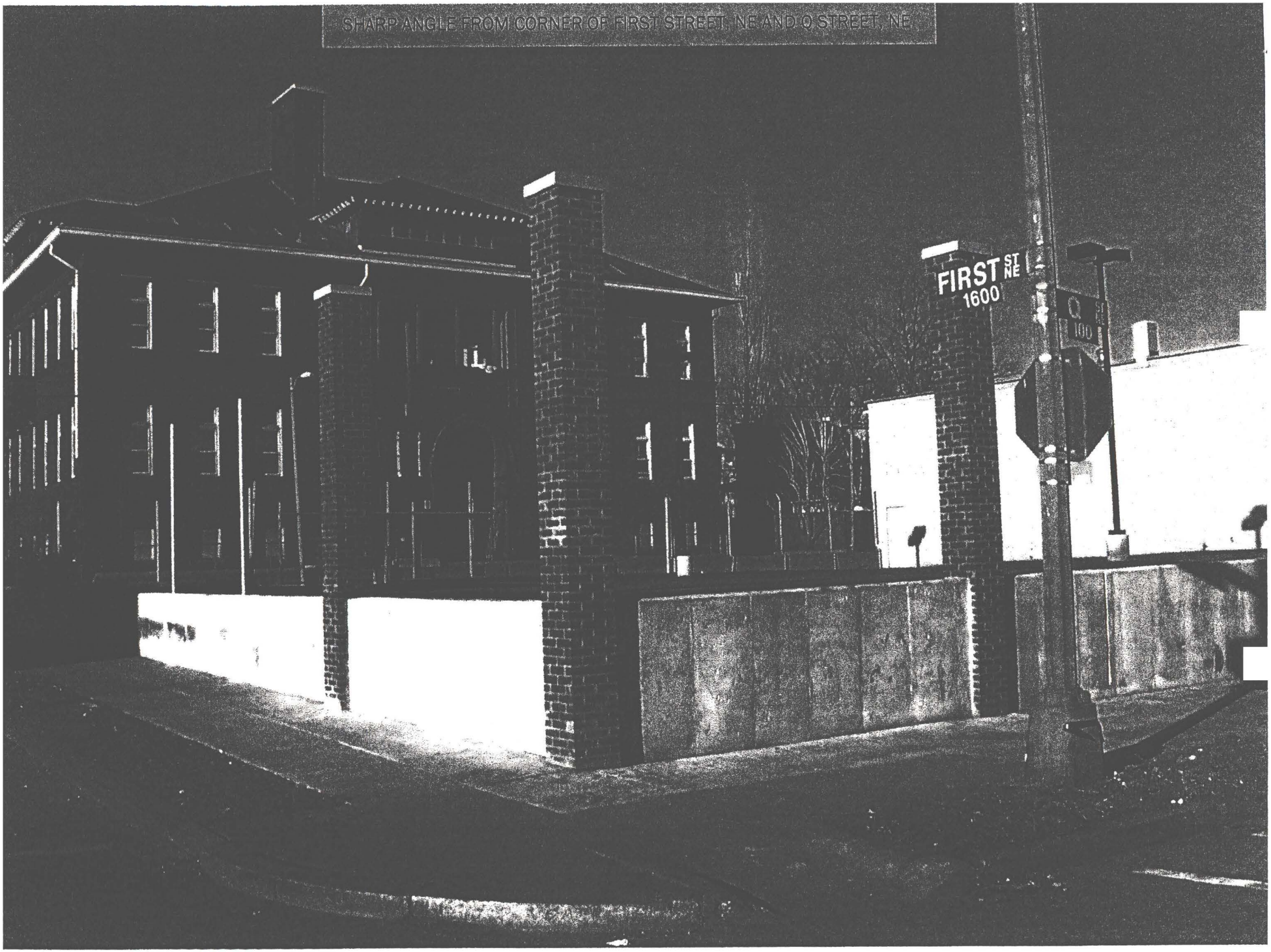
Attachment 1

ATTACHMENT II

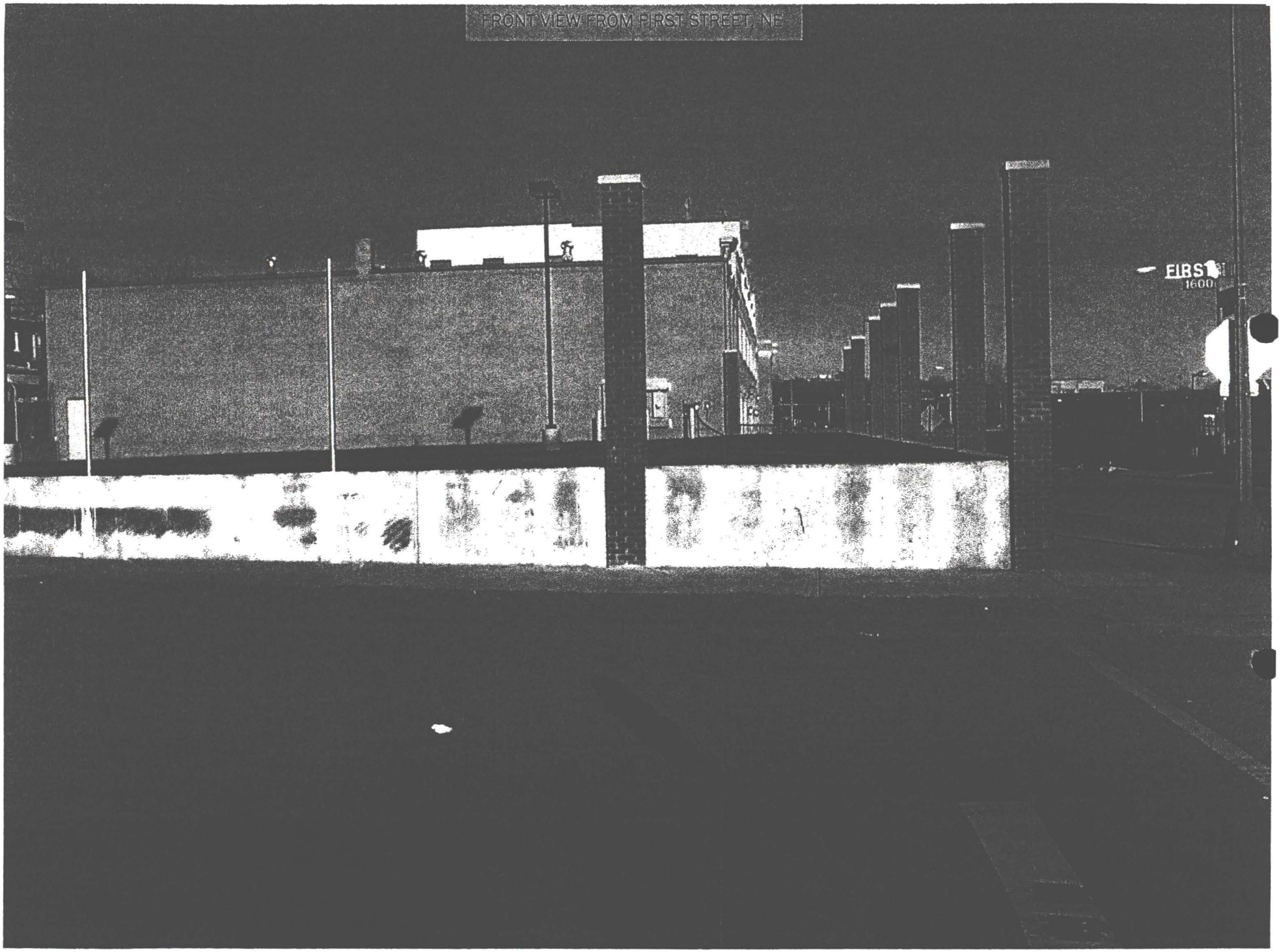
STATEMENT OF EXISTING AND INTENDED USE

The Subject Property, Lot 801 in Square 3519, consists of approximately 9,000 square feet and is currently vacant but improved as a parking lot pursuant to D.C. permits. It has been used as an accessory parking lot for a number of years, pursuant to Board of Zoning Adjustment approval in Application No. 13841, approved November 3, 1982. That approval provided accessory parking for the headquarters building of a plumbing company located south across Q Street, NE, at 101 Q Street, NE.

The Subject Property is intended to be continued for use as an accessory parking space, complying with relevant screening and other provisions of the Zoning Regulations. Under the present application, the Subject Property would be used to provide accessory parking spaces to the Applicant-owned building located immediately east of the Subject Property, at 118 – 140 Q Street, NE.


SHARP ANGLE FROM CORNER OF FIRST STREET, NE AND Q STREET, NE
FIRST ST NE
1600


FRONT VIEW FROM Q STREET, NE


FRONT VIEW FROM FIRST STREET, NE
FIRST
1600

ATTACHMENT III

