GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment (BZA)

FROM: JLS for Andrew Altman
Director

DATE: September 17, 2001

SUBJECT: BZA Application No. 16912 - Special Exception - Parking Lot in The R-1-B Zone District

APPLICATION-IN-BRIEF

Pursuant to 11 DCMR 3104.1, the applicant, First F.S.K. Limited Partnership is seeking a special exception under § 213 to continue the use of a previously Board approved surface parking lot. The parking lot is intended to serves the nearby CVS, but it also serves adjacent retail/commercial establishments, and community uses. It is located at 4817 U Street, N.W., on Square 1389, Lot 816. The parking lot is in the R-1-B zone district. The 2001 Board approval, BZA Order 16722 was dated September 26, 2001, and was for a period of one year, contingent upon the applicant addressing 13 problem areas with the parking lot identified by the Palisade Community Association and Advisory Neighborhood Commission (ANC) 3D.

The Board found that the applicant had failed to maintain the lot in accordance with the conditions set forth in previous BZA Order No. 16311. The Board further found that the corrective measures taken by the applicant since March 2001, the contractual arrangements made with maintenance and landscaping service, and the applicant's offer to report monthly to the community, were sufficient to ensure that the property would be properly maintained. However, the Board found that a shorter approval period of one year was necessary to ensure that any failure to maintain the lot would not go uncorrected for any extended length of time. Therefore, the applicant needed new Board approval after the one-year period expired.

BZA
Case No. 16912
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16912
EXHIBIT NO.27

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning (OP) recommends that the special exception application be approved, for a period of three years and the conditions previously agreed upon with the Palisades Citizens Association (PCA) and ANC 3D remain in effect.

SITE DESCRIPTION

The subject parking lot is in the Palisades Neighborhood of Ward 3. V Street, N.W., bounds the site to the north, U Street is to the south, 48th Street is to the east and Macarthur Boulevard is to the west. The subject parking lot is on the north side of U Street, near the intersection with MacArthur Boulevard to the west. U Street east of the parking lot intersects with 48th Street, which is east of the parking lot. The parking lot is rectangular in shape and contains approximately 31,000 square feet of land area. The north and west property edges of the parking lot contain metal railings, which serve to separate the subject lot from the adjacent Safeway Store parking lot. There is also a retaining wall below the metal railing on the western boundary of the property. The southern edge has a green landscaped border and the eastern edge is adequately landscaped and wooded. The landscaping serves to buffer the parking lot from the adjoining residential properties, which fronts on 48th Street. The U Street frontage is approximately 200 feet long and 155 feet deep. There are 78 spaces on the subject parking lot. The lot slopes slightly from south to north and has only one vehicular entrance, which is from U Street, approximately 124 feet from the intersection with Macarthur Boulevard.

The subject parking lot serves the CVS Store, which is on the southeast corner of Macarthur Boulevard and 48th Street, in the former MacArthur theater building. The lot also provides parking for nearby businesses, as well as some community residents.

The subject property has been in use as a parking lot since 1946, through a series of special exceptions approvals granted by the Board of Zoning Adjustment. The parking lot previously provided parking for customers of the MacAurthur Theater. CVS acquired the theater and the parking lot in 1997 and requested the first special exception for the parking lot in 1998. The Board approved the special exception on March 4, 1998, (BZA Application No. 16311) by bench decision. As a result of problems with the parking lot raised by ANC 3D and the Palisades Citizens Association, the Board approval included 13 conditions that the applicant was requested to address. One of the conditions limited the approval to a period of only three years to allow the applicant to comply with the Board imposed conditions.


48th St NW
R-1-B
SQR 1391
SQR 1390
R-1-B
V St NW
V St NW
48th St NW
Parking Lot 4817 "U" St., N.W.
48th Pl NW
SQR 1389
C-2-A
R-1-B
R-1-B
SQR 1388
U St NW
Mac Arthur Blvd NW
SQR 1374
R-1-B
Reservoir Road NW
Feature Key
Zoning Boundaries
Square Index
BZA 16912
Application No. #
DC Office of Planning
August 8, 2002
Scale 1:1567
25 0 25 50 75 100 Feet
Attachment 1

AREA ZONING

The subject parking lot is in the R-1-B (low density residential) district. The R-1 district is designed to protect quiet residential areas developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes. Use of a lot as a parking lot is permitted in the R-1 zone as a special exception, subject to BZA approval pursuant to Section 213 of 11 DCMR.

COMPREHENSIVE PLAN RELATIONSHIP

The Comprehensive Plan Generalized Land Use Map depicts the site in the ***Low Density Residential*** land use category. Single-family detached and semi-detached housing are the predominant uses in this land use category. The subject parking lot is immediately adjacent to a ***Low Density Commercial Area***, which fronts the site along MacArthur Boulevard. Low-density commercial areas usually contain shopping and service areas that are generally low in scale, character and activity and provide a limited range of retail goods and services.

The applicant has 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 subject parking lot is in its entirety within two hundred feet of an existing commercial district. There is a C-2-A commercial district that fronts the subject parking lot and extends along MacArthur Boulevard, generally between U and V Streets. The western boundary of the subject parking lot is shared by the eastern boundary of the adjoining Safeway Store parking lot.



View, looking west from entrance to subject parking lot, to commercial center on MacArthur Boulevard.

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

The subject parking lot is contiguous to the adjoining parking lot for the Safeway Store, which fronts the subject lot to the west. The Safeway Store is in the C-2-A zone.

§ 213.4 – All provisions of chapter 23 of this title shall be complied with.

§ 2303.1 – A parking lot in any district shall conform to the following special provisions:

(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 District of Columbia Department of Public Works as structurally equivalent or better, which form an all-weather impervious surface, and which is a minimum of four inches (4 in.) in thickness.

The subject parking lot has been paved with an all-weather impervious asphalt surface at least four inches thick. The surface is in very good condition.

(b) The parking lot shall be designed so that no vehicle using the parking lot project over any lot line or building line.



East and south views of subject parking lot

The perimeter layout of the subject parking lot minimize potential that vehicles parked on the lot can project over any lot or property lines. The north and the west boundaries of the parking lot is a combination of a metal railing fence on top of a retaining wall. Parking spaces next to the eastern boundary of the lot are parallel to the lot line and therefore, cannot project over the lot line. There is a driveway lane at the south-end of the lot, which restricts vehicles from protruding beyond the designated parking area.

(c) 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 the use or structure is otherwise permitted in the district in which the parking lot is located.

There are no other uses conducted on the subject parking lot, nor isothere any other structure on the lot.

(d) No vehicle entrance or exit shall be within 40 feet (40 ft.) of a street intersection as measured from the intersection of the curb lines extended.

There are no vehicular entrances or exits within 40 feet of a street intersection as measured from the intersection of the curb lines extended.

The only entrance to the parking lot is from U Street, approximately 124 feet from the intersection of U Street and Macarthur Boulevard.

(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 parking lot.

There are four light poles installed along the center aisles of the parking lot that direct light rays downward to the surface of the parking lot and away from adjacent properties.



Center lighting on parking lot – North and West Boundaries

(f) The parking lot is kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and 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 for a parking lot otherwise requiring Board approval.



Lighting on parking lot – north and west Boundary.

The applicant acknowledged that during the previous approval by the Board, (three-year period, starting in 1998-BZA Application No. 16311) the parking lot had not been kept clean or properly maintained as directed by the Board's Order. The unsatisfactory condition of the lot had been a major concern of ANC-3D and the Palisades Citizens Association. The applicant addressed the concerns by clearing the lot of all refuse and debris, power washing the surface, repainting the parking spaces, landscaping much of the eastern and southern perimeters, pruning, fertilizing evergreen and, installing new lighting on the lot. The applicant also filed an application with the Department of Public Works to complete the unfinished public sidewalk on the north side of U Street, between the south entrance to the Safeway Store parking lot and the entrance to the subject parking lot. This work has been completed.

The applicant, in an effort to further address community concerns, provided the names and address of specific CVS personnel to be contacted in the event that there is a failure to maintain the lot. The applicant also provided copies of the maintenance contract (with McFall & Berry Landscaping Management, Inc.) that outlined cleaning schedule, landscaping services and a towing company for the removal of abandoned vehicles on the lot. In accordance with the contract, the lot is to be cleaned every three (3) days and landscaping services to be performed every ten (10) days. Additionally, signs will be installed on the interior of the lot that identifies CVS as the party responsible for maintenance of the lot. The sign shall also include a telephone number to call regarding any violation of the maintenance agreement.

The applicant also agreed to submit monthly reports to the community on the current status of maintenance of the subject parking lot and to address any other maintenance issues of concern to the community.

2303.2 – In addition to the provisions of §2303.1, a parking lot located in an R-1, R-2, R-3, R-4 or R-5 District, and a parking lot located in any other district where such parking 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 a solid brick or stone wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high or by evergreen hedges and/or evergreen growing trees which are thickly planted and maintained and are at least forty-two inches (42 in.) in height when planted.

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

The parking lot is adequately screened from all contiguous residential properties. The area of the lot covered with landscaping and natural vegetation is well above the five per cent minimum standard for evergreen screening. There is a masonry wall 2.5 feet in height, topped with metal railing along the northern border of the lot. The southern border is planted with hedges and evergreen bushes and there is a thick cover of trees on the public space along U Street. The eastern border is heavily planted with shrubbery and evergreen trees, at least 3.5 feet in height and there is a cover of natural vegetation, which further buffers the parking lot from the abutting residential dwellings on 48th Street.

(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.

The applicant acknowledged that the parking lot had not always been kept free of refuse and debris, or generally well maintained. The historic lack of maintenance has long been a point of contention with ANC-3D and the Palisade Citizens Association. In an effort to address community concerns regarding the untidiness of the lot, the applicant has taken the following corrective actions:

- Cleared the lot of all refuse and debris;
- Power-washing the surface;
- Repainted the parking spaces;
- Landscaped much of the eastern and southern perimeters;
- Pruning and fertilizing evergreen and trees; and,
- Installed new lighting on the lot.

The applicant filed an application with the Department of Public Works to complete the unfinished public sidewalk on the north side of U Street, between the south entrance to the Safeway Store parking lot and the entrance to the subject parking lot. This work has been completed.

The applicant, in an effort to further address community concerns, provided the names and address of specific CVS personnel to be contacted in the event that there is a failure to maintain the lot to the ANC and PCA. The applicant also provided copies of the maintenance contract (with McFall & Berry Landscaping Management, Inc.) that outlined cleaning schedule, landscaping services and a towing company for the removal of abandoned vehicles on the lot.

§ 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.

The subject lot has been operated as a parking lot since 1946 without creating dangerous or objectionable traffic conditions in the Palisade community. Further, the applicant (at the request of the community) partitioned the Department of Public Works to extend the sidewalk along U Street to the entrance to the subject parking lot in order to enhance pedestrian safety.

§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.

The subject parking lot does contribute towards the reduction of overspill parking on streets in the Palisade neighborhood. The lot provides a vital short-term parking service in Palisade for some residents, customers of local

businesses and employees of some establishments in the vicinity. Further, the lot provides supplemental parking spaces for events and/or special services held at the Our Lady of Victory Church, which is located directly across U Street from the parking lot.

§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.

A majority of the parking spaces on the subject parking lot serves principally as a short-term parking lot for customers of the adjacent commercial and retail establishments. The lot provides a vital short-term parking service for some residents, and employees of some establishments in the vicinity. Further, the lot provides parking spaces for teachers at nearby schools and for visitors to residences in the area.

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 Zoning Maps?

Yes. There is no reason to expect that the continuation of parking at the subject site will result in inconsistencies with the general purpose and intent of the Zoning Regulations and Zoning Map. The subject parking lot has served parking needs for over fifty-five years, through a series of special exception approvals granted by the Board of Zoning Adjustment. The applicant's does not anticipate any changes in the use of the site, and has significantly improved the physical conditions of the lot, in response to a list of twelve issues presented by ANC-3D and the Palisades Citizens Association. Although the applicant has addressed the list of community concerns, the community is recommending that the conditions stay in affect, and that approval be limited to three years.

Will the granting of the special exception tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map?

No. 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 adversely affect adjacent properties.

COMMUNITY COMMENTS

Advisory Neighborhood Commission (ANC) 3D at its regular mouthy meeting held on July 17, 2002 voted 4-0-0 to support the special exception application, with the stipulation that approval be for a period of three years and that the conditions previously agreed upon with PCA remain in effect.

Agency Review

The District Division of Transportation (DDOT) does not object to the subject parking lot continuing to be used for parking purposes. The parking surface meets DDOT standards. The lot is adequately maintained and properly buffered, (heavy forestation) particularly from adjacent residential uses to the east, on 48th Street.

RECOMMENDATION

It is OP's conclusion that the applicant has met the burden of proof, pursuant to 11 DCMR 3104, Section 213 for a special exception, to permit the continuation of a previously approved parking lot. The applicant has 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 neighboring property in according with the Zoning Regulations and Zoning Map. The applicant has demonstrated a commitment to being a good neighbor by maintaining the subject parking lot to standards required by code and responding to the concerns of neighbors over two Board approval periods. The Office of Planning therefore, recommends that the Board of Zoning Adjustment approve this application, with the following conditions:

- The special exception approval be for a period of five years; and
- The agreement previously reached with the Palisade Citizens Association (PCA); regarding the condition of the subject parking lot remain in effect.