GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

TO: Board of Zoning Adjustment

FROM: JS for Andrew Altman, Director
Office of Planning

DATE: **November 19, 2002**

SUBJECT: BZA Application #16938 (The Most Worshipful Prince Hall Grand Lodge)
1902 and 1906 Vermont Avenue, N.W. (Square 333, Lots 824, 825, and 827).

APPLICATION

The application by The Most Worshipful Prince Hall Grand Lodge requests, pursuant to 11 DCMR §3104.1, a special exception to allow accessory parking spaces located other than on the same lot as the main use under Section 214. The applicant further requests, pursuant to 11 DCMR 3103.2, a variance from the distance (§214.3) and proximity (§214.4) requirements.

SUMMARY RECOMMENDATION

The Office of Planning (OP) is unable to make a recommendation because it has not received the following information:

(1) Justification and basis for special exception and variance relief; and
(2) Information related to size of spaces, screening, and landscaping.

In addition, to complete its evaluation the applicant must provide information related to the following;

1. All areas devoted to driveways, access lanes, and parking shall be maintained with a paving material forming an all weather impervious surface as required by section 2303;
2. All spaces shall be a minimum of nine (9) feet in width and nineteen (19)feet in length and meet all other requirements with respect to size and location of parking spaces as required by sections 2115 and 2116;
3. All spaces shall meet the requirements of section 2117 with respect to access, maintenance, operation. A minimum of 5% landscaping of the total area devoted to parking, including aisles and driveways as per section 2117.11. Open parking spaces must be screened from all contiguous

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Exhibit No. 22

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residential property by a solid brick or stone wall at least twelve (12) inches thick and forty-two (42) inches high as per section 2117.12 and 2303;
4. All parts of the lot shall be kept free of refuse or debris and shall be paved and landscaped as per sections 2117 and 2303;
5. The parking lot will be used by the members of the lodge after six in the evening and by the tenants of the lodge building during the hours of 8:00am until 6:00pm.
6. 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 structure or use is otherwise permitted;
7. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot;
8. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

SITE AND AREA DESCRIPTION

The subject lots are located at 1902 and 1906 Vermont Avenue, N.W. (Square 333, Lots 824, 825, and 827) at the northwest corner of the intersection of Vermont Avenue, N.W. and T Street, N.W. The subject lots are located immediately south of U Street, N.W. in the Shaw neighborhood in the Greater U Street historic district. The parking lot will be used by the members of the Most Worshipful Prince Hall Grand Lodge. The surrounding land uses include row houses, commercial and institutional uses, the U Street Green Line Metro Station, and the African American Civil War Memorial. Many of the houses within the neighborhood have either been recently renovated or are in the process of renovation.

Lot 827 is a 5,226 square feet existing parking lot first approved by this Board on August 26, 1974 as a twenty-one (21) space accessory parking lot. [1] Lot 827 is bounded by Vermont Avenue to the east; T Street, NW on the south; Lots 824 and 825 and a public alley to the north; and brick row houses to the west. Lots 824 and 825 are much smaller lots that would be combined with Lot 827 to create one large parking lot. Lots 824 and 825 are landlocked and surrounded by row houses and the historic Evans-Tibbs home to the north; Vermont Avenue to the east; the applicant's existing parking lot to the west; and a public alley and additional row houses to the south.

ZONING REQUIREMENTS

The subject site is zoned R-4. Accessory parking lots incidental to permitted uses are permitted if they meet the requirements of §214. The R-4 zone permits matter-of-right development of single-family residential uses, churches and public schools. The R-4 development standard

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[1] Board decisions allowing applicant to operate parking lot: BZA Order No. 11664, August 26, 1974; BZA Order No. 12215, November 8, 1976; BZA Order No. 13675, June 4, 1982; and BZA Order No. 14732, September 9, 1988. Permission to use this Lot 827 for accessory parking expired June 4, 1992. However, the applicant has continued to use the lot for accessory parking. It should be noted that the Board granted permission to the applicant to operate a 21 space parking lot but the existing lot has 29 spaces.

requires a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet, maximum lot occupancy of 60%, and a minimum height of 3 stories/40 feet.

ANALYSIS

The subject lots are located near the northwest corner of the intersection of Vermont Avenue, N.W., T Street, N.W., and 10th Street, N.W. The applicant proposes to convert a 4,190 square feet lot into a 9 space accessory parking lot with 3,223 square feet paved and 966.5 square feet landscaped. The subject lots are adjacent to and contiguous with the applicants' existing paved 21 space accessory parking lot at Square 333, Lot 827.

Up until the 1960s, all lots in this square were used for residential purposes. At some point, the residential uses were discontinued and the lots remained vacant for some time. In 1974, this Board approved the applicant's request to use Square 333, Lot 800 (now Lot 827) for accessory parking and that use continues today. The current lot is paved, completely fenced, lighted, and used primarily between the hours of 7:00 p.m. and 10:00 p.m., Monday through Friday and Saturdays, by the members of the Most Worshipful Prince Hall Grand Lodge. The only access to the lot is on Vermont Avenue. The applicant is currently using Lot 827 for accessory parking and has not provided any information as to why the additional spaces are necessary.

Similarly, the new lots included in this application will be used by members of the Lodge primarily during the same hours and on the same days. It appears that the new lot will be paved, fenced, and lit similarly to the existing lot.

Section 214

The standard by which the BZA should approve a special exception to provide accessory parking spaces is subject to the provisions of §214. The following demonstrates how these standards are met:

> ***214.2 Accessory parking spaces shall be in 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.***

The proposed parking lot is an open air, surface parking lot and it appears that no portion will extend above the level of the adjacent finished grade.

> ***214.3 Accessory parking spaces shall be located in their entirety within two hundred feet (200 ft.) of the area to which they are accessory.***

The accessory parking lot is not entirely located within 200 feet from the subject site. The applicant has requested a variance from this requirement because it is physically impossible for the lot to be within 200 feet from the main premises.

However, the applicant has not provided evidence or a statement explaining how the parking lot will meet the necessary variance standards to deviate from this section.

214.4 Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.

The proposed parking lot is not contiguous to or separated only by an alley from the use to which it will be accessory. On Vermont Avenue, the lots are separated from the main premises by numerous row houses, the metro station and the African American Civil War Memorial. The applicant has requested a variance from this requirement because it is physically impossible for the lot to be contiguous to or separated by only an alley from the main location.

However, the applicant has not provided evidence or a statement explaining how the parking lot will meet the necessary variance standards to deviate from this section.

214.5 All provisions of chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an appropriate case under §2303.3 modify or waive the conditions specified in §2303.2 where compliance would serve no useful purpose.

It appears that the parking lot will comply with the requirements outlined in §2303 as it will be paved, fenced, striped, and adequately lighted. It appears that the applicant will continue to access the lot from Vermont Avenue, NW.

However, the applicant has not provided any information to address how the proposal will meet the requirements for landscaping or how the parking lot will be screened from the two contiguous residential properties: one on the north is the historic Evans-Tibbs home; and to the west is a brick rowhouse.

214.6 It shall be economically impracticable or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:

- ***(a) Strip zoning or shallow zoning depth;***
- ***(b) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;***
- ***(c) Unusual topography grades, shape, size, or dimensions of the lot:***
- ***(d) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or***
- ***(e) Traffic hazards caused by unusual street grades or other conditions.***

It is economically impracticable and physically impossible to locate any parking spaces on the Lodge property because the lot is fully occupied by existing buildings and there are no vacant lots in the vicinity of the applicant's main use. Although the applicant owns the building, there are several other tenants in the building.

214.7 ***Accessory parking spaces shall be so located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.***

The parking lots are owned and will be maintained by the applicant. The applicant's existing 29 space parking lot owned and operated by the applicant is being operated without a valid BZA Order. The subject lots will be accessed from Vermont Avenue.

However, the applicant has not provided evidence or a statement explaining how the parking lot will meet this section.

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.***

OP referred the application to the District Division of Transportation (DDOT) and requested a recommendation on the application. OP has not received a report from DDOT. In the past, DDOT has expressed concerns about compliance with requirements for size of parking spaces and screening treatment for residential use adjacent to the site, paving treatment of the parking lot including section details, proposed wheel and bumper guards or curbs, and storm water generation and mitigation.

Section 3104.1

The standard by which the BZA should approve a special exception is set forth in Section 3104.1 of the Zoning Regulations. The following demonstrates how the proposed accessory parking lot has met these standards:

. . . special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The proposed accessory parking lot is a permitted use in the R-4 District subject to the requirements of §214. The applicant has not provided evidence or a statement explaining how the parking lot will meet this criteria therefore, OP has insufficient information to determine whether the parking lot meets the requirements of §214. The applicant has also requested variance relief from sections 214.3 and 214.5 as will be discussed below.

Section 3103

The standard by which the BZA should approve a variance is set forth in Section 3103.2 of the Zoning Regulations. The following demonstrates how these standards are met:

The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;

No information has been provided to address the criteria therefore OP can not assess whether the application presents an exceptional situation. OP attempted to conduct its analysis by using this Board's previous Orders. However, OP was unable to complete its analysis as the Orders did not provide the requisite information and all other documents related to this matter is archived.

> **By reason of the aforementioned unique or exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the property.**

No information has been provided to address the criteria therefore OP can not assess whether the application presents an exceptional situation.. OP attempted to conduct its analysis by using the previous Orders approving this use. However, OP was unable to complete its analysis as the Orders did not provide the requisite information and all other documents related to this matter are archived. Moreover, as Lots 824 and 825 were not included in the previous applications approved by this Board, the applicant needs to provide justification for the requested relief.

> **The variance 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.**

No information has been provided to address the criteria therefore OP can not assess whether the application meets the test for variance relief.

COMMUNITY COMMENTS

The subject property is within ANC-1B. The ANC has voted not to support the application. Nearby property owners have organized strong opposition to the application and may seek party status.

OP has received many calls in opposition to the continued use of the existing lot and the addition of Lots 824 and 825 by the community. The community has stated that they would like the property redeveloped as residential and feel that the current use provides no benefit to the community.

SUMMARY AND RECOMMENDATION

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2. Information related to size of spaces, screening, and landscaping.

In addition, to complete its evaluation, OP needs the applicant to provide information related to the following;

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3. All spaces shall meet the requirements of section 2117 with respect to access, maintenance, operation. A minimum of 5% landscaping of the total area devoted to parking, including aisles and driveways as per section 2117.11. Open parking spaces must be screened from all contiguous residential property by a solid brick or stone wall at least twelve (12) inches thick and forty-two (42) inches high as per section 2117.12 and 2303;
4. All parts of the lot shall be kept free of refuse or debris and shall be paved and landscaped as per sections 2117 and 2303;
5. The parking lot will be used by the members of the lodge after six in the evening and by the tenants of the lodge building during the hours of 8:00am until 6:00pm.
6. 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 structure or use is otherwise permitted;
7. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot;
8. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

AA/vr