GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman for
Director

DATE: April 27, 2004

SUBJECT: Supplemental Report in response to request by the Board of Zoning Adjustment regarding: **BZA # 17095 – Bekir Gunes Special Exception**

This supplemental report is in response to 2 (two) request from the Board of Zoning Adjustment, (BZA) that OP provides 1. An analysis of the following three variances, as they relate to the application of Bekir Gune to use the property at 1701 Kalorama Road, N.W., for valet parking.

(a) Section 214.4 Accessory Parking Spaces (R-1)
(b) Section 1403.d Special Exception
(c) Section 2301.3 Parking Garage

2. Confirm whether the alley at the rear of the subject property fully separate the abutting RC/ R-5-B District from RC/ C-2-B District.

214 ACCESSORY PARKING SPACES (R-1)

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

The subject parking garage is not contiguous to or separated by an alley from the six restaurants to which they are accessory. Five of the restaurants are located on the 18th Street commercial corridor and are at least three blocks from the subject valet parking garage. The other restaurant is on Columbia Road, and is at least four blocks from the garage.

List and location of Restaurants that use the Valet Parking Garage

BZA
Case No. 17095
Exhibit No. 50

Board of Zoning Adjustment
District of Columbia
CASE NO. 17095
EXHIBIT NO. 50

1) Cities Restaurant - 2436 18th Street NW
2) Meze Restaurant - 2437 18th Street, NW
3) Shai Restaurant - 2477 18th Street, NW
4) Meskerem Restaurant - 2434 18th Street, NW
5) Anzu Restaurant - 2436 Street, NW
6) Perry's Restaurant - 1811 Columbia Road, NW

(See attachment #1, 200-foot radius from parking garage)

1403 - SPECIAL EXCEPTION

1403.1 (d) if located within a C-2-B District, the use shall not be within twenty-five feet (25 ft.) of a Residence District, unless separated by a street or alley.

The subject-parking garage is located within the C-2-B District, and abuts a R-5-B District. The southwestern rear portion of the building is within twenty-five feet of a Residence District, and is not separated from the residential district by a street are alley (See attachment # 2, Zoning line between R-5-B and C-2-B Districts)

SECTION 2301 - PARKING GARAGE

2301.3 A parking garage erected, altered, converted, or reconstructed, as a principal use shall have no vehicular entrance or exit nearer than forty feet (40 ft.) to a street intersection as measured from the intersection of the curb lines extended. The entrance or exit to the garage shall be accessible and, when it opens onto an alley, the entrance or exit shall be set back at least twelve feet (12 ft.) from the centerline of the alley.

The entrance to the subject garage is located less than forty feet from the intersection of 17th Street & Kalorma Road. Although there is an entrance/exit ramp at the rear of the garage, it is not connected to the garage. The entrance to the garage is from Kalorama Road and therefore, there is no need for a set back from the centerline of the alley. (See map #3, intersection of 17th Street & Kalorama Road)

DOES THE APPLICATION MEET THE VARIANCE TEST

Is the property unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition?

No. The property was improved with a warehouse structure in 1934, and served a variety of warehouse, storage, and woodworking purposes. Warehouses are permitted in the C-2-B District. In 2002, the applicant (Sun Services Inc) leased the property from the owner, for the purpose of operating a valet parking business. The applicant received a temporary permit from DCRA to

operate the valet parking business. The temporary nature of the permit was predicated upon a large mixed-use development (including a major parking lot) being constructed at 2415 18th Street/2328 Champlain Street, in close proximity to the subject site. DCRA issued the temporary permit to accommodate critically needed parking in the Adams Morgan Commercial District, during the construction of the 350 space Lofts at Adams Morgan parking garage was under construction.

Questions exist regarding whether the temporary permit is valid and under what authority was it issued.

By reason of the aforementioned unique or exceptional condition of the property, will the strict application of the Zoning Regulations result in undue hardship upon the owner of the property?

No. The strict application of the Zoning Regulations will not result in undue hardship upon the owner of the property. There is nothing unique about the subject property that prevents it from being used for uses within the C-2-B zone. This is evidenced by pending BZA application 17175 for a special exception to permit a residential addition to and construction of the very same property.

Can the request relief be granted without substantial detriment to the public good and without substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map?

No. The requested relief cannot be granted without substantial detriment to the public good and without substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. A parking lot or garage is permitted in the C-2-B District by special exception, if approved by the Board of Zoning Adjustment. The subject-parking garage violates several sections of the Zoning Regulations; among the violations is Section 1403.1 (d). A portion of the garage is within twenty-five feet of a Residence District, and not separated by a street or alley. The parking garage is not contiguous to or separated by an alley from the 6 restaurants to which they are accessory, (§ 214.4) and the entrance to the garage is located less than forty feet from the nearest intersection, which is at 17th Street & Kalorma Road.

Residents in the vicinity of the subject garage have expressed to OP that the community was of the understanding that the temporary permit for the subject parking garage would expire when the Lofts at Adams Morgan was completed. Residents further expressed the following concerns:

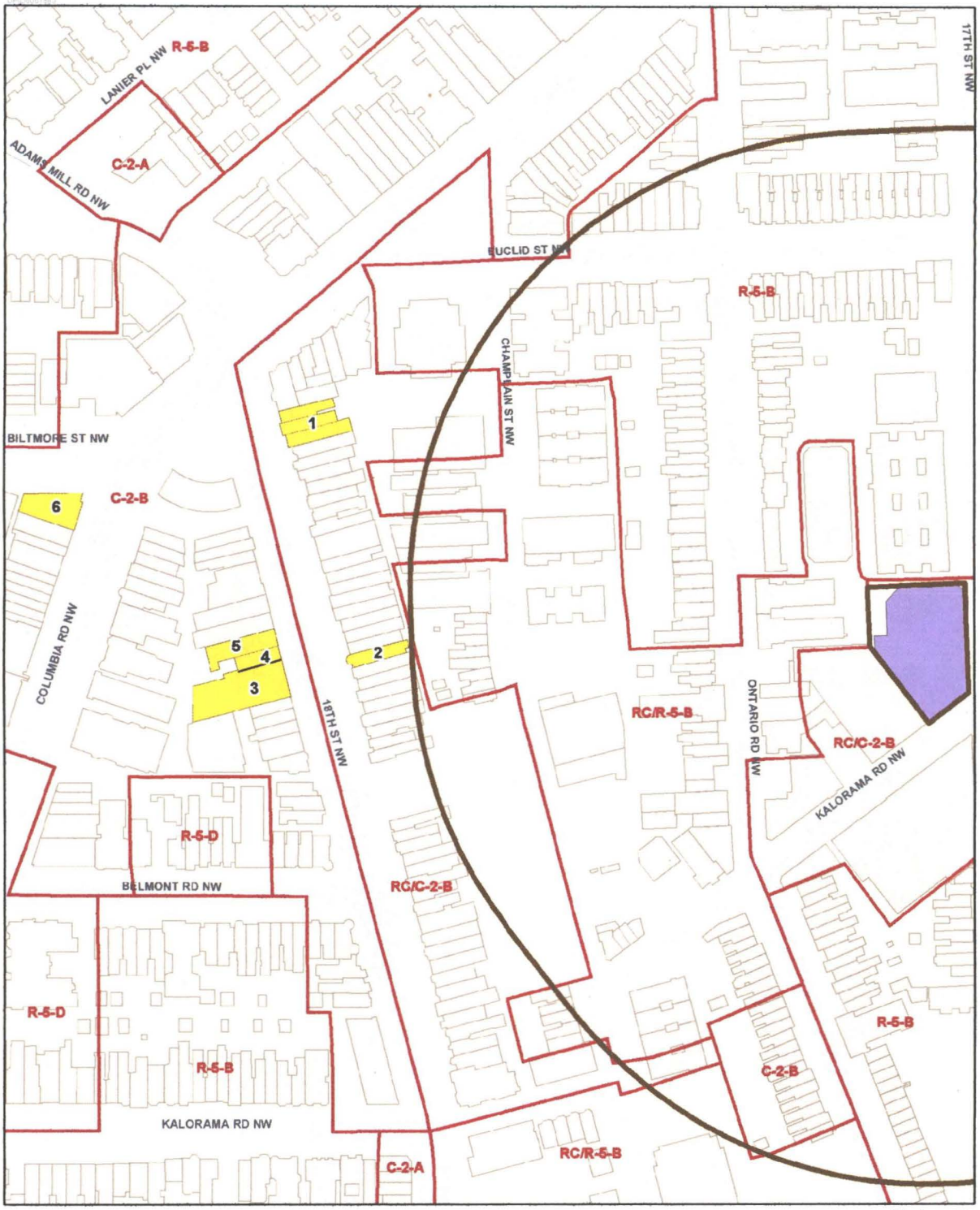
- About the level of noise generated by attendants and cars leaving or entering the garage, particularly after 3 am.
- Attendants, while driving vehicles to and from the parking garage, sometimes drive at excessive, dangerous speeds.

- The actual volumes of vehicles that are regularly parked in the garage far exceed the applicant's request for 30 spaces.
- The constant movement of vehicles between the garage and the contracted restaurants. It was the community's expectation that the garage would provide daily parking, and that the community would not be subject to the frequent movement of vehicles between the contracted valet parking restaurants and the garage, especially late at night.

RECOMMENDATION

After having reviewed BZA application 17095 requesting a use variance to permit the operation of a valet parking garage in the C-2-B District, the Office of Planning recommends that the application be **denied**. The Office of Planning finds that the applicant does not qualify for relief and that the applicant has not met the burden of proof under §3103 of the Zoning Regulations. Therefore, OP concludes that approval of the application would cause substantial detriment to the public good and would substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

OP also notes that a case has been filed with the BZA that will result in the full re-utilization of the structure for residential purpose.



Attachment 1

BZA Application 17095
Valet Parking Garage
1701 Kalorama Road, N.W.

N

Feet
0 100 200

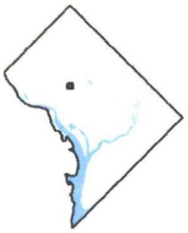
★ ★ ★ Government of the District of Columbia
Anthony A. Williams, Mayor

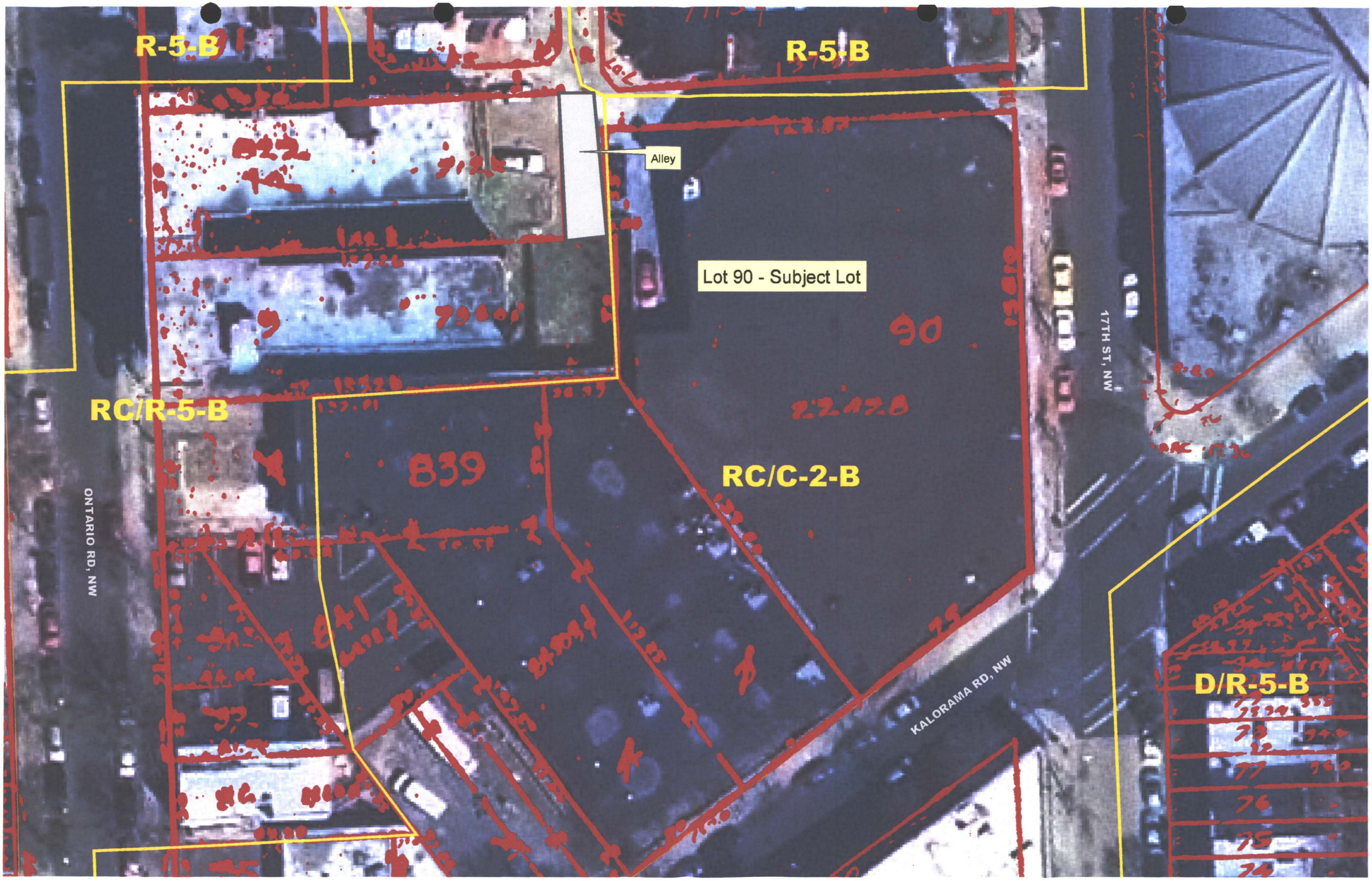
Office of Planning ~ January 29, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

- Zoning Districts
- Contract Restaurants
- Valet Parking Garage
- 200 Foot Radius

1 - Shai - 2477 18th Street, N.W.
2 - Meze - 2437 18th Street, N.W.
3 - Cities - 2424 18th Street, N.W.
4 - Meskerem 2434 18th Street, N.W.
5 - Anzu 2436 18th Street, N.W.
6 - Perry's 1811 Columbia Road, N.W.




R-5-B
R-5-B
Alley
Lot 90 - Subject Lot
RC/R-5-B
RC/C-2-B
D/R-5-B
17TH ST, NW
ONTARIO RD, NW
KALORAMA RD, NW


7 ST NW
300
KALORAMA RD
1800
LEASE (202) 638-6300
Douglas Development Corp
LEASE (202) 638-6300
Douglas Development Corp