GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman

DATE: April 27, 2004

SUBJECT: BZA Case No. 17151
Peter G Pappas & Patricia Georgilakis Special Exception

APPLICATION
This application filed by Peter G Pappas & Patricia Georgilakis requests, pursuant to 11 DCMR 3104, a special exception under Section 213 of the Zoning Regulations to continue using the premises located at 4926 Wisconsin Avenue, N.W., (Square 1671, Lot 30) as a 27 space surface parking lot.

RECOMMENDATION IN BRIEF
The Office of Planning recommends **approval** of the special exception with conditions. (See OP recommendation and attached conditions)

SITE AND AREA DESCRIPTION
The subject property is in the Friendship Heights Neighborhood of Ward 3. The property is in the rear of retail establishments that front on the west side of the 4900 block of Wisconsin Avenue. Fessenden Street bounds the site to the north, Ellicott Street to the south, Wisconsin Avenue to the east and 43rd Street to the west. The property is improved with a surface parking lot.

The subject property has a long history of use as a parking lot. The Board granted a special exception for a 27-space parking lot to the previous owner Inez Cushard Family Trust in January 1998 (BZA Order No. 16212). The Inez Cushard Family Trust sold the property to Starwood Urban Retail, IV, who sold the property to the applicants, Peter G. Pappas and Patricia Georgilakis. There were fifteen (15) conditions imposed by the Board when the previous application was approved. The applicant has agreed to comply with all of the conditions if the Board of Zoning Adjustment grants the special exception request. (See attached conditions) The conditions of the BZA reflect the special exception standard of Section 213.

BZA
Case No. 17151
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17151
EXHIBIT NO. 23

The previously approved special exception went into effect on January 21, 1998 and expired on January 21, 2003. The applicant states that an oversight caused a delay in filing for a new special exception. The current special exception application was filed at the Office of Zoning on February 19, 2004.

PROPOSAL

The applicant proposes to continue using the subject property as a 27-space surface parking lot. Users will be pre-approved with monthly contracts and will use a card reader system to enter the lot. Parking customers are generally merchants from nearby retail establishments, employees of Wells Fargo Bank, At The Beach Tanning Salon and students of the Georgetown Day School.

ZONING ANALYSIS

The subject property is in the R-2 District. The R-2 District consists of those areas that have been developed with one-family, semi-detached dwellings, and is designed to protect them from invasion by denser types of residential development. Parking lots are permitted in R-2 Districts by special exception if approved by the Board of Zoning Adjustment, (Sec 213).

213 PARKING LOTS (R-1)

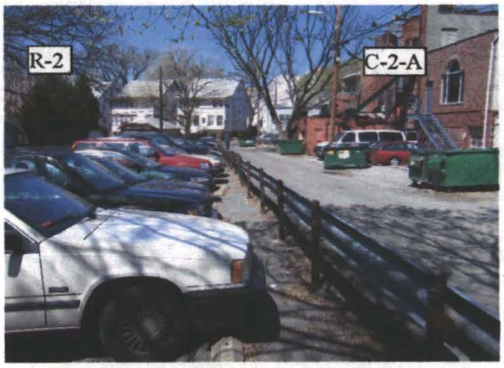
213.1 Use as a parking lot shall be permitted as a special exception in the R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

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

The subject parking lot is entirety within two hundred feet (200 ft.) of a C-2-A District, which is east of the parking lot along Wisconsin Avenue.

213.3 A parking lot shall be contagious to or separated only by an alley from the Commercial or Industrial District.

There is a 15-foot north-south alley separating the parking lot from the commercial district to the east on Wisconsin Avenue.



North south alley, which separate residential district from commercial

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

2301 PARKING LOTS

2301.1 A parking lot in any district shall conform to the following provisions:

(a) All areas devoted to driveway, access lanes, and parking areas shall be paved and maintained with bituminous concrete or brick material, or a combination of these materials or other materials approved by the D.C. Department of Transportation as structurally equivalent or better, that from an all-weather impervious surface, and that are a minimum of four inches (4 in.) in thickness.

The subject parking lot is built in accordance with Department of Transportation standards, and is paved with bituminous materials, which form an all-weather impervious surface that is a minimum of four inches in thickness.

(b) The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line or building line.

The parking lot is designed so that no vehicle or part of a vehicle projects over any lot line or building line. There is a high brick wall at least 42 inches high along the north and west property lines of the parking lot, and an iron guardrail on the south property line. There is a gate at the eastern entrance to the lot and a card reader just inside the gate.



Iron rail barrier between parking lot and alley

(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 premise unless the use or structure is otherwise permitted in the district in which the parking lot is located.

The subject lot is only used for vehicular parking purposes.

(d) No vehicular entrance or exist shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb line extended.

The vehicular entrance and exit for the parking lot is not within forty feet of a street intersection. The main access to and from the subject parking lot is from Fessenden Street, through a public alley. The nearest intersections are Fessenden Street and 43RD Street to the west and Fessenden Street and Wisconsin Avenue to the east. Neither of these intersections is within forty feet of the entrance to the subject parking lot.

(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 of the parking lot.

The lighting that illuminate the parking lot are located on utility poles along the east and west sides of the public alleys. The light rays are focused down towards the alley, and also illuminate the parking lot, without adverse impact on the residential dwellings to the north, south and west of the lot.

(f) The parking lot shall be kept free of refuse and debris and shall be landscaped. Landscaping shall be maintained in a health 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 Adjustment for a parking lot otherwise requiring Board approval.

The Office of Planning conducted a field inspection of the subject parking lot on April 5, 2004. The lot was in fair condition, but OP did observe the following items:

- There was litter and debris along the edges of the lot.
- Although some of the surface area at the entrance of the lot had recently been repaired, there were still portions of the parking lot that were in disrepair.
- The masonry wall on the west and south of the lot are in need of painting.



Refuse and debris along the edge of the parking lot

OP discussed these items with a representative of Deoudes-Magafan Reality, Inc., the firm hired by the applicant to manage the parking lot, including maintenance and security. The management firm agreed to correct the listed items and to comply with <u>all</u> of the conditions imposed by the Board when the previous special exception was granted.

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

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

There is a masonry wall at least 42 inches in height between the residential structures to the south and west and the subject parking lot.

(b) All parts of the lot not devoted to parking area, driveway, access lane, attendant's shelter, or required screening walls shall be paved or landscaped. Landscaping shall be maintained in a health growing condition, and in a neat and orderly appearance.

The entire parking lot is paved and the owner recently made some repairs to areas of the surface where there were cracks or holes. There is minimum landscaping on the lot, (mostly at the entrance) however there are a few mature trees on the west side of the parking lot between the alley and residential dwellings to the west.

2303.5 The Board may require any special treatment of the premises that it deem necessary to protect the value of adjacent property.

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.



Entrance to parking lot

There are no dangerous or objectionable traffic conditions as a result of the subject parking lot, nor is the present character and future development of the neighborhood likely to be affected adversely. Access to the subject parking lot is through a gate with a card reader just beyond the entrance. The lot can only accommodate 27 passenger vehicles, all of which will have prior approval to use the lot. There are 15-foot public alleys completely surrounding the subject parking lot, which serves to relieve potential traffic conditions regarding use of the lot. The main entrance to the lot is through a public alley, off Fessenden Street, which is the north of the lot. However, customers can also enter the lot from the south, through the alley from Ellicott Street.

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 overspill parking on neighborhood streets.

The subject parking lot is reasonably necessary and convenient to prospective customers at nearby retail establishments, public facilities and commercial offices on the 4900 block of Wisconsin Avenue. The availability of 27 parking spaces on the subject lot from 7:00 a.m. to 7:00 p.m. Monday through Friday, 9:00 a.m. to 7:00 p.m. on Saturday and from 11:00 a.m. to 6:00 p.m. on Sunday, tends to reduce by 27 the number of vehicles that would be competing for parking spaces on public streets (especially in residential neighborhoods) during those hours.

213.7 A majority of parking spaces shall serve residential uses or short-term parking needs of retail, service, and public facility uses in the vicinity.

The parking lot as presently operated does not meet the requirements of § 213.7. According to the applicant, all of the 27 parking spaces on the lot are leased through monthly contracts to retail establishments, commercial uses, as well as public facility users located on Wisconsin Avenue, in the immediate vicinity of the parking lot.

Although the application meets most of the requirements of § 213, it does not comply with 213.7, because all of the parking spaces on the lot are leased through monthly contract. In order for OP to support approval of the application, the applicant needs to convert a majority of parking spaces to serve residential uses or short-term parking needs of retail establishments, service, and public facility uses in the vicinity.

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

The Office of Zoning submitted the application to the District Department of Transportation, (DDOT) approximately February 16, 2004. OP has contacted DDOT and DDOT will submit a report.

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 use of the subject property as a parking lot will be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The Board granted a special exception for a 27-space parking lot in 1998 (BZA Order No. 16212). Parking lots are permitted in the R-2 District, if approved by the Board of Zoning Adjustment. The use of the subject property as a parking lot is a necessary function, because there is a critical need for private parking spaces to accommodate visitors to the adjacent Upper Wisconsin Avenue commercial corridor. The availability of the subject private parking lot will potentially reduce by 27 parking spaces, the number of vehicles that would compete for parking spaces on neighborhood streets.

All of the parking spaces on the subject lot are leased monthly through contracts with retail establishments, commercial uses, as well as public facility users located on Wisconsin Avenue, in the immediate vicinity of the parking lot.

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

No. The subject property has historically been used for parking purposes. The most recent Board approval of the parking use was in February of 1999. That approval was for

5 years, and is in need of renewal. The Office of Planning is unaware that the parking lot has had adverse affect on the use of neighborhood property.

COMMUNITY COMMENTS

The special exception request was presented to ANC 3E on April 8, 2004. The ANC voted unanimously to support the application with the continuation of the fifteen conditions approved by the Board in the previously applicant.

OP SUMMARY RECOMMENDATIONS

After reviewing the application submitted by Peter G Pappas & Patricia Georgilakis, requesting a special exception to permit the continuation of a private parking lot in the R-2 District, the Office of Planning recommends that the Board **approve** the application, with the condition that the applicant convert a majority of spaces to short-term parking as anticipated by Section 213.7.The Office of Planning finds that the applicant has satisfactorily met most of the standards specified in Section 3104.1, and 213, with the exception of 213.7. OP therefore concluded the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

OP further recommends that the 15 conditions imposed by the Board (Order No. 16212) when the previous special exception application was granted, be continued.





BZA Application - 17151
Special Exception, Parking Lot
4926 Wisconsin Avenue, N.W.

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

Office of Planning – March 16, 2004
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