GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Andrew Altman, Director

**DATE** November 16, 2004

**SUBJECT:** BZA Application 17240 – Request filed by Greenstein DeLorme & Luchs, P.C. for **a special exception** the establishment of a parking lot on Square 2699, Lot 64, proposed by FSP - Arkansas LLC.

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**APPLICATION**
Application of FSP - Arkansas LLC:

> **Special exception relief pursuant to § 2507.6 of Title 11 DCMR** to permit an alley lot within the R-4 District to be used for parking

for the alley lot located within the center of a square bounded by 14th Street, Webster Street, 15th Street, Varnum Street and Arkansas Avenue, N.W. and surrounded entirely by public alleys internal to the square only, and known as Square 2699, Lot 64. The property is zoned R-4.

**SUMMARY RECOMMENDATION**
The Office of Planning recommends **APPROVAL** of the application, subject to the following condition:

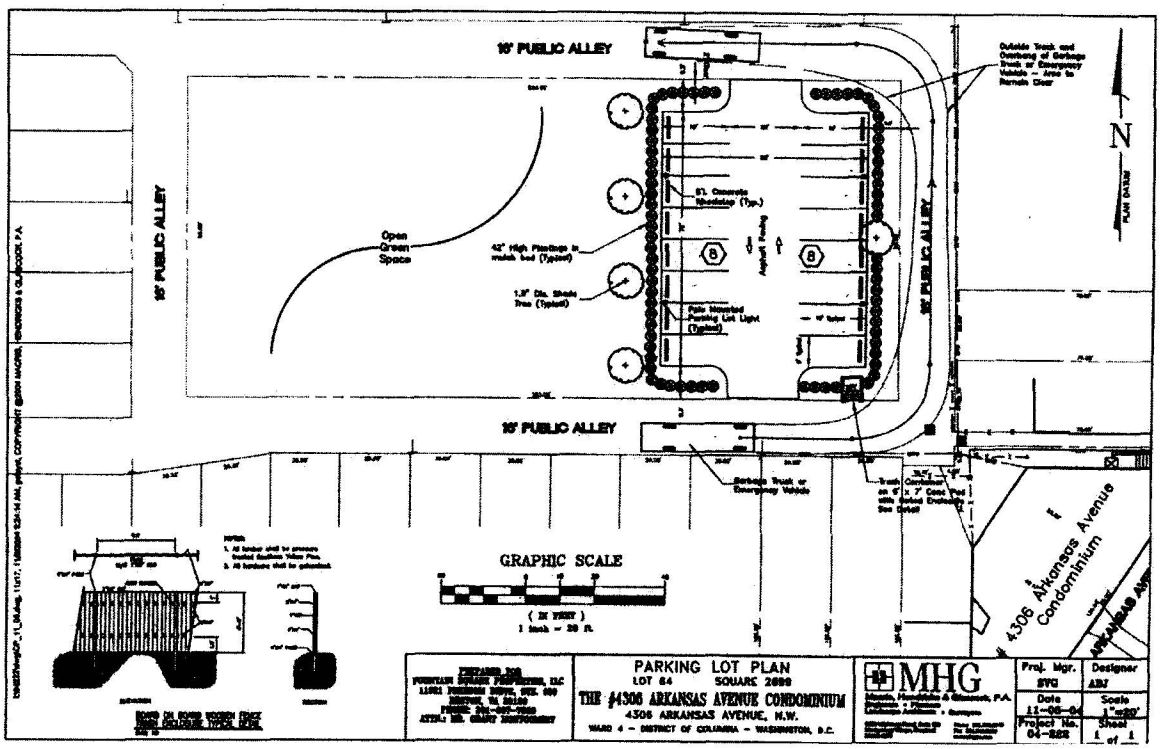
> That the shade tree proposed for the east side of the hedge surrounding the parking lot be replaced with evergreen shrubs and/or an evergreen tree, as required by § 2117.12 of the Zoning Regulations.

**PROJECT DESCRIPTION**
The applicant proposes to establish a 6,105 square foot, 16-space parking lot as a condominium on this vacant alley lot. Each space is 9 feet by 19 feet and accessible via a 20 foot wide aisle. Wheel stops are proposed for each parking space. Access to the lot will be from either the public alley to the north or the public alley to the south.

BZA
Case No. 17240
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17240
EXHIBIT NO. 26

This "parking lot condominium" will be associated with the condominium conversion of an existing apartment building located on Lot 802 and known as 4306 Arkansas Avenue, N.W., in that the two will be marketed together by the applicant. However, the two will not be linked and the purchase of one will not result in a requirement to purchase the other. Therefore, all of the parking spaces will be available for sale to anyone that wishes to purchase them and are not accessory to the apartment building.




PROPOSED SITE PLAN

Residents of the condominium apartment building will access the condominium parking lot via an existing ten-foot wide paved public alley on the north side of Lot 802, between the apartment building and an adjoining row house. This alley runs the entire width of condominium apartment building lot between Arkansas Avenue and the rear alley. The apartment condominium building has no rear entry.

The remainder of the lot will be maintained as green space. A trash dumpster, which will be rolled out for collection, will be located in the southeastern corner of the lot, between the alley and the parking lot, for use by the owners of the apartment condominium. The applicant has indicated that either an easement will be obtained or the apartment building condominium will purchase the space on which the dumpster is to be located so as to permit the dumpster to be located on the subject property. The dumpster will be located on a 6-foot by 7-foot concrete pad and enclosed by a 4-foot high board-on-board fence.

The parking lot is to be surrounded by an evergreen hedge a minimum of 42 inches in height, with one exception. One deciduous tree is proposed on the east side of the parking lot within the hedge. This landscaping is to be set back two feet from the property line with the alley as determined necessary by the applicant to allow for larger trucks to navigate around the corners of the alley. Four additional shade trees are proposed to be located to the west of the parking lot, beyond the hedge. The remainder of the lot will be maintained as green space and the application indicates that this space will be available to residents the neighborhood as available and at their own risk.

The parking lot is to be lit at night. A lighting plan submitted as a part of the application indicates that the lighting will be confined to the surface of the paved area, as required under § 2117.13 of the Zoning Regulations.

**SITE AND AREA DESCRIPTION**

The subject property consists of Square 2699, Lot 64, in the North West quadrant of the District. It is unimproved and surrounded by temporary fencing. Access is via 16-foot wide public alleys only, which totally surround the site. Vehicular access to the alleys is via either Webster Street to the north or 15th Street to the west. With the exception of views down the alleys from Webster Street and 15th Street, the site is not visible from the street as the lots that surround the perimeter of the square are developed with buildings.

The surrounding area is primarily residential. The perimeter of the square, with the exception of the apartment building at 4306 Arkansas Avenue, is developed with row houses within the R-4 Zone District. The rear yards of most of the lots are improved as either private residential garages or parking pads for the row houses within the square, although a few are open space.

**ZONING REQUIREMENTS**

The subject property is located within the R-4 Zone District (row dwellings, conversions, and apartments residence district. (§ 105.1(a)(4))

**R-4 Residential District**

"*The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families.*" (§ 330.1)

**RELIEF REQUESTED**

**Special Exception pursuant to Section 2507.6, Buildings on Alley Lots**

*2507.6* *"When approved by the Board of Zoning Adjustment as a special exception under § 3104, an alley lot in an R-4 or R-5 District may be used*

*for any use permitted under § 333, subject to the conditions specified in that section."*

The proposed use is a parking lot, a use permitted under § 333.1 as a special exception within the R-4 Zone District. The proposed parking lot is in conformance with the conditions of § 333, as described below.

The condominium apartment building dumpster is permitted to be located off-site and on the subject property. The Zoning Administrator has informed the Office of Planning by telephone that a dumpster is not a use and may therefore be located on the subject property.

**333 STORAGE AND PARKING ON ALLEY LOTS (R-4)**

*333.1 "Storage of wares and goods, parking lot, parking garage, or public storage garage not otherwise permitted under this chapter, on an alley lot so recorded on the records of the Surveyor, District of Columbia, or recorded on the records of the D.C. Office of Tax and Revenue, on or before November 1, 1957, shall be permitted as a special exception in an R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section."*

The subject application is for the establishment of a parking lot as a special exception use within the R-4 Zone District. No storage is proposed, and the Zoning Administrator has informed the Office of Planning by telephone that the location of the apartment building dumpster on the subject property is not storage and requires no special approval.

*333.2 "No storage use authorized in this section shall be located in a building containing more than twenty-five hundred square feet (2,500 ft.$^2$) of gross floor area."*

No storage or buildings are proposed.

*333.3 "Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees."*

The use will not become objectionable because of noise, traffic or number of employees. There will be no employees and traffic into the lot will be limited to those that have use of the sixteen parking spaces. The application indicates that lighting will be directed to the surface of the paved area. The applicant should replace the one shade tree within the hedge with either evergreen shrubs or an evergreen tree, as required by § 2117.12. This will ensure that traffic after nightfall does not become objectionable to surrounding residential properties due to headlight glare.

*333.4 "The alley upon which the use is to be located shall be readily negotiable by any trucking necessary for the proposed operation."*

The proposed use is for a private residential parking lot. No trucking will be necessary for its operation.

*333.5 "The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which located."*

The proposed use is a private residential parking lot. As it is not a business, it will not have any hours of operation, but will be available to owners of individual parking spaces 24-hours a day, 7-days a week. However, the applicant anticipates that the majority of the traffic entering and exiting the parking lot will take place during the morning and evening rush hours.

The parking spaces will be surrounded by a hedge consisting primarily of shrubs, which will serve to block headlight glare from vehicles within the lot from entering the residential properties around the perimeter of the square during the nighttime hours. However, the hedge is not continuous. Therefore, the one shade tree within the hedge should be replaced with either additional evergreen shrubs or an evergreen tree, to ensure that headlight glare onto residential properties is minimized to the extent possible, as required by § 2117.12.

The application contains a lighting plan that indicates that lighting will be directed to the surface of the paved area, which will serve to prevent any adverse effects on surrounding residential properties, as required by § 2117.13. This, in combination with the additional evergreen shrubs and/or evergreen tree within the hedge, will ensure that traffic after nightfall does not become objectionable to surrounding residential properties due to either headlight glare or lighting of the subject property.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for special exception relief of § 2507.6 and that in granting the relief, the intent and purpose of the chapter "*will not tend to affect adversely, the use of neighboring property*", subject to the conditions of approval contained within this report. (§ 3104.1)

**COMPREHENSIVE PLAN**

The Generalized Land Use Map recommends the Moderate Density Residential land use for the subject property: "Row houses and garden apartments are the predominant uses; may also include low-density housing."

This proposal will contribute towards the following concern of the Ward 4 Plan:

*"The key land use concerns in Ward 4 include the following:*

*(c) ...inadequate off-street parking;"* (§ 1528.11)

**COMMUNITY COMMENTS**
**ANC 4C** did not respond to telephone requests for information regarding this application.

The **Sixteenth Street Neighborhood Association** voted on October 19, 2004 to be neutral on the application.

**AGENCY COMMENTS**
The **District Department of Transportation** has informed the Office of Planning by telephone that it has no issues with the application, and that the existing 16-foot width of the alleys is sufficient.

**RECOMMENDATION**
The application has been reviewed in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exception. The Office of Planning concludes that the special exception meets the required tests and *"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."* (§ 3104.1)

The Office of Planning recommends **APPROVAL** of the application, subject to the following condition:

> That the shade tree proposed for the east side of the hedge surrounding the parking lot be replaced with evergreen shrubs and/or an evergreen tree, as required by § 2117.12 of the Zoning Regulations.

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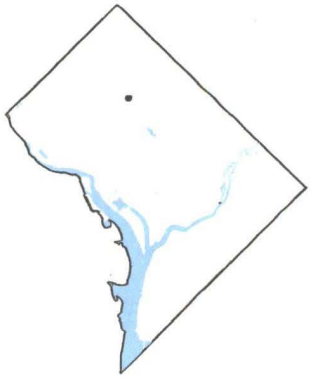



# BZA APPLICATION NO. 17240
# SQUARE 2699, LOT 64

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

**Office of Planning ~ October 29, 2004**

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