GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF PLANNING

Office of the Director

D.C. OFFICE OF PLANNING
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Memorandum

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director
Office of Planning

DATE: December 20, 2004

SUBJECT: BZA Application #17261 – 1419 Jackson Street, N.E.
Brookland Union Baptist Church

APPLICATION

Pursuant to 11 DCMR § 3104.1, a special exception is requested to build an accessory parking lot (24 spaces) to serve an existing church under section 214, in the R-1-B District at premises 1419 Jackson Street, N.E. (Square 4015, Lot 30).

Additionally, OP believes that if the number of required parking spaces for the church is insufficient per requirements of **Section 2101**, OP believes that **Section 2108** would also need to be addressed.

SUMMARY RECOMMENDATION

As presented, the submitted application has insufficient information for OP's review and recommendation to the Board. OP believes that the applicant needs to provide more information to show how the requested complies with Section 214 and how potential adverse impacts on the community would be addressed given the community's concern about the impact of the lot in the neighborhood. In addition, DDOT has expressed concerns regarding the access to the proposed parking area, potential vehicle/pedestrian conflict in the alley, provision of handicap access from the parking lot due to a grade difference, as well as the impact of potential run-off from the lot due to the impervious paving of the lot.

In a meeting and subsequent conversations with the applicant, OP advised the applicant to provide:

BZA
Case No. 17261
Exhibit No. 37

Board of Zoning Adjustment
District of Columbia
CASE NO. 17261
EXHIBIT NO. 37

- A pre-hearing statement detailing how the zoning requirements would be met, including **Section 214**, **Section 2116**, with emphasis on 2116.6 through 2116.9, 2117, **Section 2303** as well as **Section 2108.**

- A revised parking lot plan, which meets the requirements as specified in the above-mentioned regulations. OP and DDOT recommends more than 5% of the lot be landscaped and that an 8-10 foot buffer be provided at the east property line.

- A landscaping plan detailing the planting materials and proposed locations of these plantings. Planting materials should contain shade trees and shrubbery.

The ANC informed OP that the filed application was not formally presented at its regularly scheduled meeting. The Office of Planning encourages the applicant to meet with the ANC and community groups to address concerns the neighborhood may have regarding potential adverse impacts of the lot on the community.



REQUIRED ANALYSIS

Section 2116.5

The Office of Planning determined that since the church is permitted in the R-1-B Zone District, per §214 then the accessory parking spaces are incidental to the permitted use subject to the special provisions of chapters 21 and 23 of 11 DCMR. Section 2116.5 regulates the use of accessory parking spaces in certain instances.

§ 2116.5 permits open parking spaces accessory to any building or structure to be located …elsewhere…in accordance with §§2116.6 through 2116.9, if approved by the Board pursuant to §3104 for special exceptions. The standards by which the BZA should approve a special exception for accessory parking spaces according to §§2116.6 through 2116.9 are as follows:

2116.6 The Board shall determine that it is not practical to locate the spaces in accordance with § 2116.2 for the following reasons:

(a) Unusual topography, grades, shape, size, or dimensions of the lot;

(b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;

(c) Traffic hazards caused by unusual street grades; or

(d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

OP believes it is both economically and physically impossible to locate any additional parking spaces on the existing church's property because the lot is fully occupied by existing buildings and there are no vacant lots in the immediate vicinity of the applicant's main use. Therefore, the applicant has proposed to locate accessory parking on another lot.

2116.7 When the accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located, the parking on adjacent lots or lots separated only by an alley from the lot upon which the building or structure is located, shall be preferred.

A 15-foot wide alley runs north/ south and east/west along the rear of the church and at the rear of residences, abutting the proposed parking lot. In this instance, the lot is located to the north (rear) of the church and is separated from the main use by approximately 250 feet.

2116.8 The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve.

The subject parking area is located within the same square, within 250 feet of the main use. According to the applicant, the lots they own provide convenient parking within walking distance for their use, including meetings and events. Members would use the lot during their

meeting times Monday through Sunday. There are no other lots within walking distance. The applicant has also submitted that some patrons would use the parking lot because of age, poor health and the lack of convenient public transportation during Sunday services.

2116.9 **The Board may impose conditions on any accessory or non-accessory parking spaces as to screening, coping, setbacks, fences, the location of entrances and exists, or any other requirement it deems necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to ensure the continued maintenance of the spaces.**

There is significant community opposition to the use of the lot for parking purposes. The neighborhood would like the property developed with residences and believes that the proposed use provides no benefit to the community.

OP has no information at this time how the applicant intends to address the community concerns.

Section 2303.1
In addition, the subject property shall conform to the provisions of § 2303.1 as follows:

(a) All areas devoted to driveways, access lanes and parking areas shall be paved and maintained with bituminous concrete or brick materials…that form an all-weather impervious surface, and that are a minimum four inches (4 in.) in thickness;

According to the applicant's submission, all driveways, access lanes and parking areas will be paved and will be maintained with materials that form an all-weather impervious surface, a minimum of four inches thick.

(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;

According to the submitted drawing, wheel stops were shown to prevent vehicles or any part of a vehicle from projection over any lot line or building line. However, OP believes that due to the proximity of the abutting residence, a landscaped buffer no less than 8 feet should be provided along this lot line.

(c) No other use shall be conducted from or upon the premises, and no structure other than the 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;

The applicant has indicated that other community activities may take place on the lot and other users may use the space, including parking for teachers from a neighborhood school.

In addition, an attendant's shelter is not located on the lot. OP believes that no other use should be conducted or shall be conducted from or upon the premises.

(d) No vehicular exit shall be within forty (40) feet of a street intersection as measured from the intersection of the curb lines extended;

The submitted drawing does not indicate this distance. However, OP recommends that the applicant reconsider the location of the entrance/exit location as depicted on the submitted drawing, since this location would encourage queuing on Jackson Street due to cars entering and exiting the lot.

(e) Any lightning used to illuminate a parking lot or its accessory buildings shall be arranged so that all direct rays of the lightning are confined to the surface of the parking lot; and

The submission does not address lighting 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 healthy growing condition and in a neat orderly appearance. Landscaping with trees and shrubs shall cover a minimum of 5% of the total area of the parking lot, or an area as determined by the Board for a parking lot otherwise requiring Board approval.

The applicant has not submitted any documentation at this time to demonstrate how the lot would be kept free of debris and refuse. No landscape plan has been submitted to date to show where the landscaping will be provided on the lot, as well as the types of plants to be provided.

Section 2303.2

A parking lot in an R-1-B Zone District shall be screened from all contiguous residential property by a solid brick or stone wall at least 12" thick and 42" high or by evergreen hedges or evergreen trees that are thickly planted and maintained and at least 42" in height when planted.

No submitted drawing to date show the existence of a 12"W x 42" H x 78" L masonry wall at the property line contiguous to the abutting residence.

(a) The parking lot shall be screened from all contiguous residential property located in an R-1, R-2 or R-3 District by a solid brick or stone wall at least 12" thick and 42" high.

The parking lot is contiguous to residential property in the square in which it is located but there is no detail regarding how the lot will be screened.

(b) All parts of the lot not devoted to parking areas...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 and growing condition, and in a neat and orderly appearance.

As previously stated in response to the requirements of §2303.1 (f), and based on submissions to date, OP has no information on how the applicant intends to meet this requirement. Therefore, OP can make no recommendation to the Board on the waiver of any requirements as conditioned in Sections 2303.3 and 2303.4. However, OP recommends (according to 2303.5) that the applicant provide special treatment of the premises, through design setbacks and landscaping to protect the value of adjacent residential properties.

SPECIAL EXCEPTION
Section 3104.1

The Board must approve use of the accessory parking lot if it meets the standards of §3104 accordingly:

. . 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 community is concerned about the church's proposed parking lot. While the community envisions residential uses for the site, an accessory parking lot is a presumed compatible use within the R-1-B zone District, subject to special exception review. OP encourages the applicant to address community concerns regarding the proposed parking lot.

DDOT COMMENTS:

The application was referred to the District's Department of Transportation (DDOT) and the following observations were provided to OP based on site visits by DDOT:

- The proposed entrance/exit of the lot is too close to Jackson Street and should be moved further south.
- The only access to the rear of the church is a 3-foot wide handicap ramp and the church is about 5 feet above the alley grade. The applicant has to show how this will be addressed.
- There is a potential vehicle/pedestrian conflict since screening will have to be provided and nothing is shown as to how this may be addressed. There is a sight/distance concern and DDOT would not encourage pedestrians walking across the alley.
- DDOT suggests that the applicant provide more than the 5% landscaping required to reduce the amount of paved surface due to run-off considerations.

- DDOT suggests that the plans be submitted to WASA to determine where the runoff ties into the sewer system.
- DDOT suggests the use of pervious pavers for the lot to reduce runoff.

Based on preliminary information provided by DDOT, OP has no information at this time regarding the applicant's proposal to address these concerns. Therefore, OP cannot provide a recommendation to the Board at this time that the proposed parking lot will not tend to adversely affect the use of neighboring properties in accordance with the Zoning Regulations.

COMMUNITY COMMENTS

OP understands that the proposed parking lot has significant objections from the community, including the ANC 5A and the Brookland Neighborhood Civic Association. The objections have been submitted to the record[1] and it documents the history of the community's objections to proposals for the lot's development since September 2001.

ANC 5A recommended denial of the proposed parking lot at its regularly held meeting on November 17, 2004 because the application failed to meet the requirements of Section 214.

RECOMMENDATION

As presented, the submitted application has insufficient information for OP's review and recommendation to the Board. OP believes that the applicant needs to provide more information to show how potential adverse impacts on the community would be addressed given the community's concern and the requirements of the Zoning Regulations.

In a meeting and subsequent conversations with the applicant, OP advised the applicant to provide:

- A pre-hearing statement detailing how the zoning requirements would be met, including **Section 214, Section 2116**, with emphasis on 2116.6 through 2116.9, 2117, **Section 2303** as well as **Section 2108.**
- A revised parking lot plan, which meets the requirements as specified in the above-mentioned regulations. OP and DDOT recommends more than 5% of the lot be landscaped and that an 8-10 foot buffer be provided at the east property line.
- A landscaping plan detailing the planting materials and proposed locations of these plantings. Planting materials should contain shade trees and shrubbery.

In addition, DDOT expressed concerns regarding:

[1] ANC 5A and Brookland Neighborhood Civic Association, Inc, December 7, 2004

- access to the proposed parking area,
- potential vehicle/pedestrian conflict in the alley,
- provision of handicap access from the parking lot due to a grade difference, and
- the impact of potential run-off from the lot due to the paving over of the lot.

The ANC 5A informed OP that the filed application was not formally presented at any of its regularly scheduled meetings. The Office of Planning encourages the applicant to meet with the ANC and community groups to address concerns the neighborhood may have regarding potential adverse impacts of the lot on the community.

ATTACHMENT:

1. DDOT Report – December 23, 2004