

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15452 of Federal Center Limited Partnership, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to establish a commercial parking lot in an R-5-B District at premises 300 M Street, S.E., (Square 800, Lot 822).

HEARING DATE: February 20, 1991
DECISION DATE: March 6, 1991

FINDINGS OF FACT:

1. The subject property is located on the north side of M Street, S.E., between 3rd and 4th Streets and it is known as premises 300 M Street, S.E. The site is zoned R-5-B.

2. The subject site consists of a rectangular shaped vacant lot that measures approximately 44,445 square feet in area. The site is 329.42 feet wide and 134.92 feet deep. A 20-foot wide closed alley abuts the property to the north.

3. Presently, the site contains mature trees, grass, an assortment of natural vegetation and the remnants of a brick building. A three foot high chain link fence and a wall surround the site. The property is not secured.

4. Previously, the property was used as an institutional facility which housed the First District Police Headquarters. It was later used as a police annex and a parking area for automobiles associated with police activities.

5. The site is located directly north of the Southeast Federal Center. The Washington Navy Yard is also located in close proximity to the site. The property is surrounded on its north, east and west sides by residential development. This development primarily consists of the Arthur Capper and Carrollsburg dwellings - government-assisted housing complexes for low and moderate-income persons. The Navy Yard Metrorail Station is under construction at 1st and M Streets, S.E., two blocks west of the site. The station is scheduled to open in late 1991.

6. The applicant proposes to use the unimproved site to provide surface parking for 216 automobiles. The proposed parking would be an interim use of the site until future development plans are in place. The intended users of the commuter parking lot would be persons who are employed at the Southeast Federal Center and Washington Navy Yard complexes during the daytime, and the community residents after regular business hours.

7. The property is located in the R-5-B District which

permits matter-of-right development of general uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of 60 percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height limit of 60 feet. A parking lot is a commercial use and is prohibited in the R-5-B District without zoning relief.

8. Pursuant to 11 DCMR 215, a parking lot may be located in a residential district as a special exception if the application meets the requirements of Section 214 and Chapter 23.

9. Section 214 provides the following:

214 PARKING LOTS (R-1)

- 214.1 Use as a parking lot shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in Sub-section 3108 of chapter 31 of this title, subject to the provisions of this section.
- 214.2 A parking lot shall be located in its entirety within two hundred feet (200') of an existing Commercial or Industrial district.
- 214.3 A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial district.
- 214.4 All provisions of chapter 23 of this title shall be complied with.
- 214.5 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.
- 214.6 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.
- 214.7 A majority of the parking spaces shall serve residential uses or short-term parking needs of retail, service and public facility uses in the vicinity.
- 214.8 Before taking final action on an application for use as a parking lot, the Board shall have

submitted the application to the D.C. Department of Public Works for review and report.

The applicable provisions of Section 2303 are as follows:

2303 PARKING LOTS

2303.1 A parking lot in any district shall conform to the following special provisions:

- (a) All areas devoted to driveways, access lanes, and parking areas shall be paved and maintained with bituminous concrete or brick materials, or a combination of these materials or other material approved by the District of Columbia Department of Public Works as structurally equivalent or better, which form an all-weather impervious surface, and which is a minimum of four inches (4") 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;
- (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 premises unless the use or structure is otherwise permitted in the district in which the parking lot is located;
- (d) No vehicular entrance or exit be within forty feet (40') of a street intersection as measured from the intersection of the curb lines extended; and
- (e) Any lights 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.
- (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 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.

2303.2 In addition to the provisions of Sub-section 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 and R-5-A District, shall be screened from all contiguous residential property located in R-1, R-2, R-3, R-4 or R-5-A District by a solid brick or stone wall at least twelve inches (12") thick and forty-two inches (42") high or by evergreen hedges and/or evergreen growing trees which are thickly planted and maintained and are at least forty-two inches (42") in height when planted.

- (a) The parking lot shall be screened from all contiguous residential property located in an R-1, R-2, R-3 district by a solid masonry wall at least twelve inches (12") thick and forty-two inches (42") high; and
- (b) All parts of the lot not devoted to parking areas, driveways, access lanes, attendant's shelter, 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 growing condition, and in a neat and orderly appearance.

2303.3 If approved by the Board of Zoning Adjustment, the conditions set forth in Sub-section 2303.2 may be waived or modified.

9. The applicant maintains that the requirements are met by the proposal. The parking lot will operate from 7:00 A.M. until 7:00 P.M. Monday through Saturday. There will be approximately seven employees working in shifts. About eighty percent of the 216 parking spaces will be for standard sized cars (about 172 spaces) and about 20 percent of the spaces will be for compact cars (about 43 spaces). The required numbers of handicapped spaces

will be provided. Vehicles will access the parking lot from the alley located to the north of the site. No curb cuts are required for the proposal.

10. The applicant's traffic consultant testified that the parking lot would have a negligible impact on traffic circulation in the area, given the intention to provide parking for the area's existing employees. The majority of the traffic would be on M Street. Third and 4th Streets would generally be used only to access the public alley to enter or leave the parking lot. There will likely be no use of 3rd or 4th Streets north of the site because not many people who work at the Navy Yard travel south from the Capitol Hill area.

11. Presently, there is a traffic signal at 4th and M Streets. According to the Southeast Federal Center master plan, there is a traffic signal proposed for the 3rd and M Street intersection.

12. The applicant indicated that the proposed parking lot will not adversely affect the present character and future development of the neighborhood. The applicant is aware of upcoming plans to develop the area in the vicinity of the subject site. However, the applicant maintains that the parking lot as an interim use, will not affect these plans. The applicant has requested approval for a ten year period but has indicated that a period of five years is acceptable.

13. The applicant testified that the parking lot will serve the existing facilities in the area. Reconstruction is taking place at the Navy Yard. There is also new development at the Federal Center Plaza building on 1st and M Streets, S.E. Both the United States Navy Department and the site manager for the Federal Center Plaza project have through correspondence, expressed a need for parking and support for the project. The applicant stated that to allow parking at the site would reduce the number of cars from these facilities that would park on neighborhood streets.

14. The applicant noted that the parking lot will also serve residential uses. During off-peak hours, the parking lot will be available for use by the community. The applicant will provide a discount for senior citizens. The applicant will enter into a maintenance contract to ensure that the lot is kept free of trash and debris.

15. All areas devoted to driveways, access lanes, and parking areas will be paved and maintained with bituminous concrete or brick materials or other provided materials. The materials used shall be a minimum of four inches in thickness.

16. The lot will be designed so that no vehicle or any part

of a vehicle projects over any lot line or building line.

17. No use other than a parking lot will be conducted from upon the premises. No structure other than the attendant's shelter will be erected or used upon the premises.

18. No vehicular entrance or exit will be within forty feet (40') of a street intersection as measured from the intersection of the curb lines extended.

19. All lighting of the parking lot will be arranged so that all direct rays of such lighting are confined to the surface of the parking lot and adjacent alley.

20. The lot will be landscaped. The applicant proposes to maintain some of the existing vegetation and to contribute additional vegetation which will provide landscaping on 16 percent of the lot. The existing chain link fence will be match-painted and a hedge will be placed along the edge of the property abutting the alley.

21. The Office of Planning (OP) by memorandum dated February 13, 1991, recommended conditional approval of the application. OP noted that pedestrians would have access to the lot from 4th Street, S.E. The periphery of the lot would be surrounded by an existing chain-link fence and a wall that is approximately eight feet high. A gate will be located at each access point for security.

OP stated that M Street, S.E., is a major arterial roadway which connects the southeast and southwest quadrants of the city. Due to Metro construction, a portion of the roadway in the general vicinity of the site is in disrepair. Once the Navy Yard Metro Station is completed and M Street is reconstructed, the number of vehicular trips on M Street will be significantly increased. The other streets that surround the site- 3rd, 4th and L Streets - are two-way local streets. Two-hour residential permit parking is in effect on these streets between 7:00 A.M. and 8:30 P.M., Monday through Friday. It is expected that vehicles primarily traveling to and from the subject site would use M Street. This would eliminate the need for vehicular and pedestrian traffic to traverse the local residential streets. Therefore, OP is of the opinion that the proposed parking lot will not adversely affect the use of neighboring properties.

OP stated further that the subject site is zoned R-5-B and is surrounded on three sides by medium density residential properties. Directly to the west of the site, however, there is a C-M-2 District. OP believes that the proposed interim use of the site as a parking lot would temper the harshness between the industrial area and the adjacent lower density residential community. OP is

herefore of the opinion that the parking lot would be in harmony with the general purpose and intent of the Zoning Regulations and Maps.

The Office of Planning indicated that it is currently formulating plans for redevelopment of the Buzzard Point/South Capitol Street area. In OP's view, the proposed interim use of the subject site as a parking lot would not affect the planning efforts for the area. It would provide a use for currently vacant property while the redevelopment plan is being formulated.

22. In addition to the conditions imposed by the Zoning Regulations, OP recommends that approval be conditioned as follows:

- a. Approval should be for a period of three years.
- b. A revised site plan should be submitted that would clearly identify the location of compact parking spaces, standard/regular parking spaces and handicapped spaces.
- c. If necessary, a sign should be posted that would, at minimum, identify the facility's hours of operation and rates.
- d. The perimeter of the entire parking lot should be surrounded by a fence. Along the alley, a maximum 10-foot high combination chain link fence painted green and a low masonry wall, with a gate should be provided. The gate and the fence should be the same height. Along 3rd, 4th and M Streets, a three-foot high wrought iron picket fence should be provided. The proposed fence should be similar to the ones that surround the Carrollsburg multi-family housing.
- e. Landscaping should be provided as follows:

Retain existing trees and add new landscape features according to the drawings dated October 9, 1990, but add in place of the hedge proposed to run along the alley: a row of Leyland Cypress or evergreen trees, six to eight feet tall when planted, spaced four feet on center, in a four-foot wide bed.

23. OP testified that three years is recommended because the area is still being studied and drastic changes could be made in the area.

24. Responding, the applicant stated that three years does not provide sufficient time for the partnership to realize a return on its investment. Moreover, the applicant pointed out that, at present, there is no clear indication of what the development plans are for the area. It is anticipated that any development at the Southeast Federal Center location will take place over a 20 to 25 year period. During this time, the lot can serve as a facility for displaced parking.

25. The Board finds that a detailed site plan will be submitted by the applicant to the appropriate government agencies.

26. The Board finds that the proposed fencing and landscaping are adequate given that this is to be an interim use and that the recommendations of the Office of Planning are cost prohibitive for such a short-term use.

27. The Office of Planning stated that the Department of Public Works (DPW) has no objection to the proposed application as long as it is an interim use. DPW suggested that approval be granted for only two years.

28. Advisory Neighborhood Commission (ANC) 2D, by letter dated February 13, 1991, expressed opposition to the application. Among the ANC's concerns were: the narrow width of the alley which would be used to reach the entrance to the parking lot; the closeness of the parking lot, especially the entrance, to residences; the increased traffic in the neighborhood that would be generated by the parking lot; the safety threat to small children posed by the increased traffic; the noise and disruption generated by increased traffic; the policy conflict in having a parking lot situated so close to a Metro stop; and the application's incompatibility with the applicable provisions of the Zoning Regulations including section 212.7.

29. Responding to the concerns of the ANC, the applicant stated that the alley entrance was chosen because it is the traditional point of ingress and egress for the lot. There is an existing secured gate at this location. It was also chosen because it is the least disruptive point of entry to the property and takes advantage of a natural flow of vehicular activity in the public alley. Neighboring residents park cars in the alley on a regular basis and it is not an appropriate place for children to play.

30. The applicant has offered to fence a portion of the adjacent property and donate it to the Arthur Capper/Carrollsbury Authority in order to keep any neighboring children from entering the alley. A more suitable place for the children to play would be in the courtyard located well away from the alley. This area should be separated from any vehicular traffic. In addition, the

applicant offered to have a crosswalk painted at the entrance to the alley on the 4th Street side. With additional signage, the potential danger to children playing in a public alley will be mitigated.

31. As to the issues of traffic and noise, the applicant stated that the lot is intended to reduce traffic on the side streets by containing the cars to a half block area. The noise will also be contained within this small area and therefore will not affect many people. The currently proposed hours of operation (7:00 A.M. to 7:00 P.M.) reflect the willingness of the applicant to try to accommodate those who complained about noise. The original hours were to be 6:00 A.M. to 7:00 P.M.

32. The Board finds that there is nothing inconsistent about locating a parking lot in close proximity to a Metro stop given the fact that several people work in the area and various methods of transportation are used.

33. ANC-2D testified that the applicant failed to meet Subsections 214.5 as well as 214.7. The Board finds, however, that the requirements of both of these provisions of the Zoning Regulations have been met.

34. No other person or entity testified in support of, or in opposition to, the application.

35. Two letters were submitted in support of the application. One letter was submitted to oppose.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing finding of fact and evidence of record, the Board concludes that the applicant is seeking a special exception to establish a commercial parking lot in an R-5-B District. The granting of such a special exception requires a showing through substantial evidence that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The provisions of Sections 214 and 1303, regulating parking lots, must also be met.

The Board concludes that the applicant has met the established burden of proof. The Board is of the opinion that the applicant's proposal is designed so that it is unlikely to affect adversely the use of neighboring property. The Board further concludes that locating a parking site is in harmony with the general purpose and intent of the Zoning Regulations and Maps.

The Board concludes that the application meets the requirements of 11 DCMR 214 and 2300.

The Board concludes that it has afforded ANC 2D the "great weight" to which it is entitled.

In accord with the above, the application is hereby **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

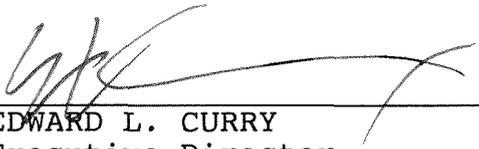
1. Approval shall be for a period of **FIVE YEARS**.
2. The parking layout and landscaping shall be as shown on the plat marked as Exhibit No. 23 of the record.
3. The hours of operation of the facility shall not exceed from 7:00 A.M. to 7:00 P.M., Monday through Saturday.
4. An attendant shall be present on the lot from 7:00 A.M. to 7:00 P.M., Monday through Thursday; and from 7:00 A.M. to 5:00 P.M. on Friday and Saturday.
5. The applicant shall provide a senior citizen discount for parking fees.
6. The applicant shall maintain a maintenance contract to ensure that the lot is kept free of refuse and debris.
7. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
8. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
9. No vehicles or any part therefore shall be permitted to project over any lot or building line or on or over the public space.
10. all parts of the lot shall be kept free or refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
11. 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 use or structure is otherwise permitted in the zoning district in which the parking lot is located.

12. No vehicular entrances or exists shall be within forty (40') feet of a street intersection as measured from the intersection of the curb lines extended.
13. 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.

VOTE: 3-0 (John G. Parsons, Paula L. Jewell and Charles R. Norris to grant; Sheri M. Pruitt and Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: 11 19 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15452

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on 11/19/99 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Willie Lloyd Reeves, Chairperson
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A handwritten signature in black ink, appearing to read "E. Curry", written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: 11/19/99