



## MEMORANDUM

**TO:** Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** May 17, 2011

**SUBJECT:** BZA Application No. 18214 – Request for a special exception under § 213 to continue the operation of the existing parking lot at 4201 Fessenden Street, N.W.

### I. SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the requested special exception pursuant to §§ 213 and 31041.1 to continue the parking lot's use for Citibank's customers, with expanded hours for neighborhood use, subject to the conditions listed at the end of this report.

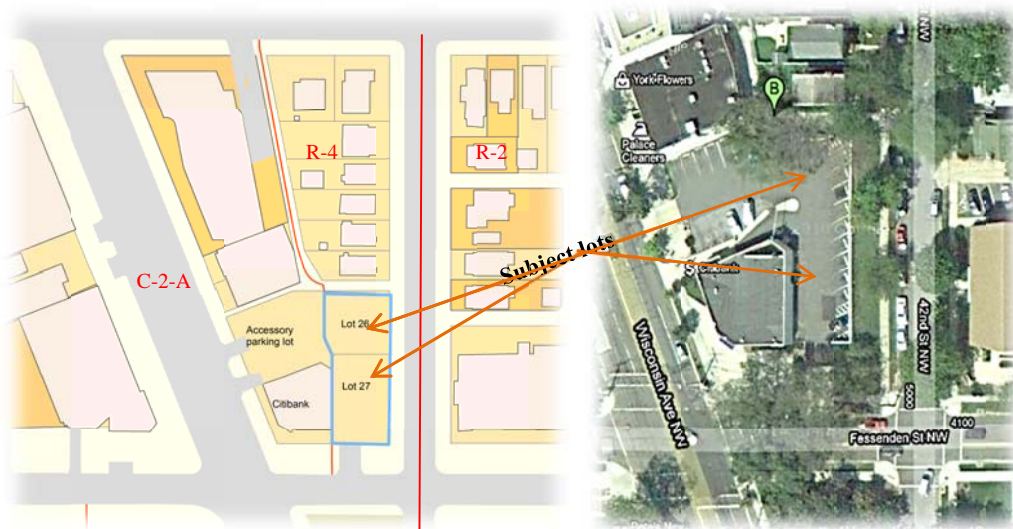
### II. AREA AND SITE DESCRIPTION

Address	4201 Fessenden St. NW
Legal Description	Square 1699, Lots 26 and 27
Ward	3E
Lot Characteristics	Irregularly-shaped combined lots abutting Fessenden Street to the south, 42 <sup>nd</sup> Street to the east and a ten-foot wide alley to the north.
Existing Development	Thirteen-space surface parking lot enclosed by a masonry brick wall along the building restriction line to the east and up to the entrance of the lot at Fessenden Street.
Zoning	R-4 – Parking lots permitted subject to special exception approval.
Historic District	None
Adjacent Properties	To the west: Abutting lot developed with a one-story bank and accessory parking lot. One and two-story commercial development to the west facing Wisconsin Avenue, NW in the C-2-A District. To the north: Across the 10-foot wide alley, single-family semi-detached and detached dwellings in the R-2 District. To the east: Across 42 <sup>nd</sup> Street, single-family residential uses. To the south: Across Fessenden Street, St. Mary's Armenian Apostolic Church, in the R-2 District, and single family detached and semi-detached residences along eastbound Fessenden Street.
Surrounding Neighborhood Character:	Commercial uses in the C-2-A district to the west; single-family detached dwellings in the R-4 and R-2 districts to the north and east.



### III. APPLICATION IN BRIEF

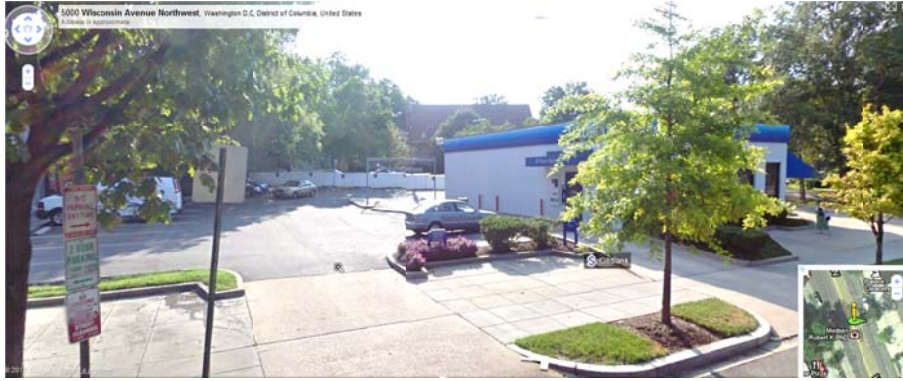
The applicant proposes continuation of the 13-space parking lot (Lots 26 and 27) similar to the way it has been operating for patrons of Citibank, including parking their own cars within the lot, or using the existing drive-thru window of Citibank, which is located on the abutting lot to the west. Currently the lot is available for use by Citibank daily from 7:00 a.m. to 7:00 p.m. In addition, the applicant proposes that the parking lot be kept open from 7:00 p.m. until midnight, to serve the surrounding neighborhood, as requested by the community. Overnight parking would be prohibited. The parking lot is contiguous to another accessory parking lot located in the same lot as the Citibank building and is located in the C-2-A District. This lot is not subject to this application.



Zoning and Vicinity Map



Existing Condition – Entrance to subject parking lot at Fessenden Street (rear of Citibank lot)



Existing Condition - Entrance and exit of adjoining Citibank lot from Wisconsin Avenue

#### IV. BACKGROUND

Previous BZA actions involving this site include:

- Effective October 31, 1974, Order No. 11450 of National Permanent Federal Savings and Loan Association to allow a parking lot in an R-4 zone for a period of five years.
- Effective November 16, 1979, Order # 12996, to continue its operation for a period of four years.
- Effective December 23, 1983, Order # 14040, to continue its operation for a period of four years.
- Effective November 27, 1991, Order # 15572, to continue its operation for a period of ten years.
- Effective January 28, 2002, Order # 16820, to continue the parking lot for a period of ten years.

#### V. ZONING ANALYSIS

##### **Section 213 Parking Lots**

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 parking lot is located within two hundred feet (200 ft.) of a C-2-A district bordering Wisconsin Avenue, N.W.

213.3 *A parking lot shall be contiguous to or separated only by an alley from a Commercial or Industrial District.*

The western edge of the parking lot is contiguous to the C-2-A district located along Wisconsin Avenue, N.W.

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

The application is in compliance with the provisions of § 2303, as described below.

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.*

The thirteen-space parking lot is currently reserved for the use of Citibank customers, since 1974. The lot would continue to be available for its customers in the same manner daily from 7:00 a.m. to 7 p.m.

The applicant has agreed to the community's request to make the lot available for the community's use after hours, including residential uses and short-term parking needs of retail services and public facilities in the vicinity per Section 213.6.

Addition of evening hours for use as a short-term parking lot with prohibited overnight parking should not adversely affect the neighborhood. The extension of hours into the evening would provide an alternative to parking on the surrounding neighborhood streets at a time when most of nearby neighbors would be expected to be home.

This lot has a curb cut for access from Fessenden Street. The lot to the west which is developed with the bank and its accessory parking lot provides an exit onto Wisconsin Avenue. The applicant should post the lot indicating the entrance and exit to minimize any impact the continued use of the lot would have on the residential community.

In 2002, the Board granted the continuation of the lot subject to nine conditions intended to ensure that the neighborhood would not be adversely impacted. The Office of Planning recommends the continuation of some of those conditions for the same reason. However, OP does not recommend a time limit on the approval since the lot has been in existence for the past 36 years without adverse neighborhood impacts. OP does recommend the deletion of conditions that repeat the criteria contained within the Zoning Regulations, as these are conditions that the applicant must abide by if the application is granted by the Board. Below are the conditions as contained in the last order for the continuation of the parking lot (BZA Order 16820), as modified by the Office of Planning. New language is shown in **bold** and deleted language in ~~strikeout~~.

1. ~~Approval shall be for TEN (10) YEARS.~~ **The hours of operation shall be from 7:00 a.m. to 7:00 p.m., daily for Citibank's use. The parking lot shall be available for neighborhood uses as a short-term parking lot from 7:00 p.m. to midnight daily. Overnight parking shall be prohibited.**
2. ~~The parking layout and landscaping shall be provided as identified on Exhibit No. 24 of the record.~~
3. ~~All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving material forming an all-weather impervious surface.~~
4. ~~Bumper stops shall be maintained for the protection of adjoining buildings.~~
5. ~~No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over public space.~~
6. ~~All parts of the lot shall be kept free of 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.~~ **Trash shall be disposed of by the business the parking lot serves.**
7. 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 is located.

- ~~8. 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.~~
- ~~9. Signage shall be installed on the premises to indicate traffic flow and directions.~~
- 10. The applicant shall post and maintain a sign giving information on whom to contact in the event of a complaint or emergency.**

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 parking lot currently serves the patrons of the bank and would serve several of the business within the surrounding area during the evening hours, providing off-street parking accommodations for the neighborhood and adjacent retail uses without the need for their customers to park on surrounding residential streets. The lot has also made the lot available to the St. Mary Armenian Apostolic Church on Sundays since 1974. The applicant intends to provide a sign which would indicate the available times for the bank's and neighborhood uses.

213.7 *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.*

The subject parking lot would serve the short-term parking needs of the neighborhood during the evenings. In addition, the lot would preclude overnight parking. During the day the parking lot would continue to serve the parking needs of the applicant.

In another similar application, BZA 17151, the Board found that this type of arrangement met the "spirit of the regulation" because of the "flexibility to provide greater short-term parking should the neighbors and residents want that...".

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

DDOT did not provide formal comments to OP regarding the continuation of the lot. OP notes that in previous applications, DDOT stated no objection to the continuation of the parking lot's use.

### **Section 2303, Parking Lots**

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

(a) *All areas devoted to driveways, access lanes, and parking areas shall be surfaced and maintained with an all-weather surface. In addition to traditional impervious surfaces, allowable all weather surfaces include porous (or pervious) concrete, porous asphalt, and/or mechanically-reinforced grass, excluding grass or gravel.*

The lot is paved with bituminous materials, which form an all-weather surface.

(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 enclosed on two sides by a brick wall and on the third by wall up to the entrance, which prevents vehicles from projecting over any of the lot lines.

(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 is otherwise permitted in the district in which the parking lot is located.*

No other use is proposed to be conducted from the premises.

- (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 is over 60 feet from the Fessenden Street and Wisconsin Avenue intersection and approximately 43 feet from the 42<sup>nd</sup> and Fessenden Street intersection. This provision is satisfied.

- (e) *Any lighting used to illuminate a parking lot its accessory buildings shall be arranged so that all direct rays of the lighting are confined to the surface of the parking lot.*

All lighting would continue to be arranged and directed so that it is confined to the surface to 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 health growing condition and in a neat and orderly appearance. Landscaping with trees and shrub 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 applicant maintains a clean lot. Although the parking lot is completely paved, there are landscaped areas along 42<sup>nd</sup> Street and Fessenden Street between the solid painted wall and the property's east and south lot line, as could be seen in the Existing Conditions photo on page 2 of this report. As the Board previously found this landscaping to be acceptable if maintained, the Office of Planning recommends that these landscaped areas continue to be maintained as previously approved.

2303.2 *In addition to the requirements of §2303.1, a parking lot located in an R-1 District ... shall be screened from all contiguous residential property located in the R-1 ... 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.*

The parking lot is not contiguous to any residential property and is separated from the residential property to the north by a 10-foot wide public alley and other residential structures by 42<sup>nd</sup> Street and Fessenden Street. The lot is screened however by a white solid masonry wall to the east and a portion of the south until the entrance at Fessenden Street.

- (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 area within the lot, west of the north-south building restriction line and north of the east-west building restriction line is paved. The application indicates that the exterior landscaping which fronts on 42<sup>nd</sup> and Fessenden Street would be maintained in a healthy growing condition.

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

The Office of Planning makes no special treatment recommendations.

The Office of Planning concludes that the subject application satisfies the provisions of §§ 213 and 2303 and the criteria for special exception relief per Section 3104.

## **VI. COMMUNITY COMMENTS**

At its regularly scheduled meeting on May 12, 2011, ANC 3E unanimously approved the parking lot's continuation and its availability for neighborhood use.

## **VII. RECOMMENDATION**

The Office of Planning finds the proposed application to be in conformance with the criteria contained within §§ 213 and 2303 of the Zoning Regulations, subject to the below listed conditions to ensure that it would have no adverse impacts on the surrounding community. Therefore, OP recommends that the Board approve this special exception application to continue the use of the existing parking lot and to expand the hours of its availability to include short-term parking for neighborhood uses between the hours of 7:00 p.m. and midnight, daily, subject to the following conditions:

1. The hours of operation shall be from 7:00 a.m. to 7:00 p.m., daily for Citibank's use. The parking lot shall be available for neighborhood uses as a short-term parking lot from 7:00 p.m. to midnight daily. Overnight parking shall be prohibited.
2. Trash shall be disposed of by the business the parking lot serves.
3. 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 is located.

JS/kt

Case Manager: Karen Thomas

