

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: January 12, 2018

SUBJECT: BZA Case 19638 (4422 Connecticut Avenue, N.W.) to permit the continuation of an accessory parking lot serving a fast food restaurant on an alley lot at 4430 Connecticut Avenue, N.W.

I. BACKGROUND

The existing parking lot was established pursuant to BZA Order 16000 in 1994 for a period of five years. Since then it has been renewed by the Board four times (BZA orders 16541, 17200, 17875 and 18741) for periods of time between three and four years. The last application, BZA 18741, was granted by the Board subject to eleven conditions. OP recommends that those conditions be continued, as amended below (see Section II, Office of Planning Recommendation below).

BZA Order 18741 expired on July 2017. The applicant filed the subject application on September 29, 2017 and informed OP that they desire a longer period of approval, which they discussed with the ANC and informed OP that they have received support for a nine-year time period.

II. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception:

- U § 203.1(j), Accessory parking elsewhere than on the same lot as the principal use.

OP recommends that the Board approve the application, subject to the following conditions:

1. Approval shall be for a period of ~~THREE (3)~~ **NINE (9)** YEARS beginning on the date upon which the order became final.
2. There shall be no dumpsters in the accessory parking lot.
3. At no time shall delivery, vendor, or trash trucks be permitted to enter the accessory parking lot.
4. Two trash cans shall be maintained on the parking lot and emptied at least once per day, or more often if they are overflowing with trash.
5. The parking space and fence along the western boundary of the site shall be maintained in good condition at all times. All parts of the lot shall be kept free of refuse and debris. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance, and the trees located on the property shall be pruned as necessary.
6. An exterminator shall perform extermination services once a month, or as necessary, to control any rodents.

7. The Applicant shall appoint a neighborhood and ANC liaison. The Applicant shall notify the ANC and all residences within 200 feet of the property of the name, telephone number, and e-mail address of the appointed liaison. When that individual is no longer designated to act as the liaison, the Applicant shall use the same procedure to notify the neighborhood of his or her successor.
8. The Applicant shall provide to the ANC and the residences within 200 feet, an annual report summarizing its compliance with the conditions.
9. Existing wheel stops, signage, guardrail, parking space striping, and direction signage painted on the pavement shall be properly maintained.
10. The Applicant shall, as necessary, repaint and maintain the entrance and exit directional arrows on the surface of the parking lot.
11. The Applicant shall maintain a barrier along the north side of the accessory parking lot to limit ingress and egress into the accessory parking lot along its northern border.
- 12. The applicant shall repave the existing parking lot with pervious paving within three (3) years of the date of the order granting this application.**

III. LOCATION AND SITE DESCRIPTION

Address	4422 Connecticut Avenue, N.W.
Applicant	BB&H Joint on behalf of Potomac Foods Company-II, Inc.
Legal Description	Square 1971, Lot 822
Ward, ANC	Ward 3, ANC 3F
Zone	R-1-B
Lot Characteristics	Polygon-shaped alley lot
Existing Development	15-space off-site accessory surface parking serving a Burger King restaurant improved with pervious paving
Adjacent Properties	North: Portion of a car wash business South: Surface parking lot East: Across the public alley, commercial buildings facing Connecticut Avenue West: Semi-detached housing
Surrounding Neighborhood Character	Commercial development along Connecticut Avenue, with low density residential development to the west
Proposed Development	Continuation of existing parking lot

IV. RELIEF REQUESTED

The applicant requests special exception relief to continue to use the subject property as an accessory parking lot for a fast food restaurant.

V. OFFICE OF PLANNING ANALYSIS

- a. *Special Exception Relief pursuant to U § 203.1(j), Parking as a principal use, or accessory parking elsewhere than on the same lot as the principal use, subject to the following conditions:*

(1) Parking garages shall not be permitted; parking spaces shall be in an open parking lot area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finished grade;

The subject application is for the continuation of an existing open parking lot that was established in 1994.

(2) All parking shall meet the conditions of Subtitle C, Chapter 7

Applicable provisions of Subtitle C, Chapter 7, Vehicle Parking, are listed below.

710.2 Vehicle parking spaces shall be located:

(b) On an open area of the lot, except:

(1) Between a building restriction and a front lot line;

(2) In any zone other than a PDR zone, surface parking spaces shall not be located within a front yard. A building used solely as a parking attendant shelter shall not trigger this restriction;

(5) Within all R and RF zones of, any surface parking lot for more than ten (10) parking spaces shall be located a minimum of six feet (6 ft.) from any property line, with the space between the surface parking lot and the property line providing landscaping and screening consistent with Subtitle C §§ 714 and 715.

The lot is located within an open area of the lot that is improved with no buildings. No part of the lot extends beyond the front lot line adjoining the alley and there is no building restriction line. All existing parking spaces are separated from the residential uses to the west by a minimum of a six-foot deep landscaped area.

(3) No commercial advertising signs shall be permitted outside a building, except a sign advertising the rates as required by Chapter 6 of Title 24 DCMR, Public Space and Safety;

No signs are proposed.

(4) At least eighty percent (80%) of the parking surface shall be of pervious pavement;

The existing parking lot was paved approximately twenty-four years ago with impervious pavement. However, the applicant informed OP that it would repave the lot within three years, together with two adjoining parking lots, with pervious paving.

(5) Accessory parking shall not be accessory to “parking as a principal use”;

The accessory parking is proposed to continue as accessory to a fast-food restaurant.

(6) The applicant shall demonstrate the following:

(A) The parking spaces shall be so located, and facilities in relation to the parking lot shall be so designed, that they are not likely to become objectionable to

adjoining or nearby property because of noise, traffic, or other objectionable conditions;

(B) The present character and future development of the neighborhood will not be affected adversely; and

(c) The parking is reasonably necessary and convenient to other uses in the vicinity;

No changes to the design of the parking lot are proposed. It is separated from the adjoining residences to the west by a landscaped area a minimum of six feet in width, with all vehicular access from the public alley only. The fast-food restaurant it serves is conveniently located directly across the public alley. As no changes are proposed to the design the continued use should not adversely affect the character of the neighborhood and the proposal to repave the lot with a pervious surface within the next three years should positively affect stormwater management.

(7) Parking as a principal use shall be subject to the following conditions:

(A) All parking shall be located in its entirety within two hundred feet (200 ft.) of an existing MU, NC, D, or PDR zone;

(B) The lot shall be contiguous to or separated only by an alley from a MU, NC, D, or PDR zone; and

(c) 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;

Not applicable. The existing parking is proposed to continue as an accessory use.

(8) Accessory parking shall be subject to the following condition:

(A) All parking spaces shall be located in their entirety within two hundred feet (200 ft.) of the area to which they are accessory; and

(B) All parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory;

The parking spaces are located entirely within 200 feet of the use to which they are accessory.

(9) The Board of Zoning Adjustment may require that all or a portion of the parking spaces be reserved for the following:

(A) Residential parking;

(B) Unrestricted commercial parking;

(C) Accessory parking for uses within eight hundred feet (800 ft.); and

(D) Shared parking for different uses by time of day; conditioned on lighting to reduce impacts on adjoining properties;

OP makes no recommendation that the parking spaces be reserved for other uses.

(10) In the R-19 and R-20 zones, no commercial parking lots shall be permitted; and

Not applicable. The subject property is located within the R-1-B zone.

(11) The application shall be referred to the District Department of Transportation for review and report;

DDOT filed a report (Exhibit 35) on November 30, 2017 concluding that the proposal would have no adverse impact on the transportation network.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposed use is a continuation of a use permitted within the zone by special exception, as provided by the Zoning Regulations and Zoning Map, subject to and in conformance with a list of criteria. The parking lot allows for a transitional use between the MU-7 business district along Connecticut Avenue and the lower-density residential development to the west.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The subject application would allow an accessory use that has been in operation since 1994 to continue to serve the commercial needs of Connecticut Avenue, while at the same time providing a landscaped buffer between this accessory parking lot and the residences to the east.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT filed a report concluding that there would be no adverse impacts.

No other comments were received from other District agencies at the time of the filing of this report.

VII. COMMUNITY COMMENTS

No comments were received from ANC 3F at the time of the filing of this report. ANC 3F is scheduled to review the subject application at its regularly scheduled meeting on January 16, 2018.

Attachment: Location Map

