

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Karen Thomas, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** November 23, 2016

**SUBJECT:** BZA Case 19385 (2200 Channing Street, N.E.) for Special Exception to allow continued use of a parking lot use.

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### **I. BACKGROUND**

The property at 2200 Channing Street NE has been used as a parking lot, not accessory to any particular use. The Zoning Administrator in a letter dated April 19, 2016, revoked the 2009 Certificate of Occupancy (CofO) issued for the lot's use on the grounds that it was erroneously issued because "*a vehicle storage lot, which is a parking lot use is not permitted, unless the property complies with the requirements of Section 213*" (ZR 58), which permits a parking lot as a principal use by special exception in the R-1 zones, subject to a number of conditions.

The memo advised the property owner (herein the "Applicant") that the property should be brought into compliance with the Regulations by either applying for a new CofO for a permitted use in the R-1-B District or surrendering the CofO and applying to the Board for a use variance to allow parking on the lot in the R-1-B district. (*Exhibit 3*) A concurrent appeal on the matter (#19334) has also been filed by the owner, would is scheduled to be heard by the Board on the same day as this BZA case.

The matter of the parking use was discussed with the Office of the Attorney General (OAG) and after deliberation, it was determined that based on the new Regulations (ZR 16), the application should be filed pursuant to Section U – 203 (j), which may permit parking as a principal use by special exception in the R-1-B District as described in Section IV of this report.

### **II. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **cannot provide a recommendation** for the continued use of the parking lot at 2200 Channing Street, N.E., at this time. The application provided to the record to date and at the writing of this report is insufficient for OP's review.

The applicant needs to verify the exact use of the lot (parking or vehicle storage and by whom) and provide additional information in support of Subtitle U §§ 714 and 715, which are the screening and landscaping requirements for surface parking lots within the R-1-B District.

## LOCATION AND SITE DESCRIPTION

Address	2200 Channing Street, N.E.
Applicant:	Shahid Q. Qureshi, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the R-use requirements of Subtitle U § 203.1(j), to operate a parking lot in the R-1-B Zone at premises 2200 Channing Street N.E. (Square 4255, Lot 28).
Legal Description	Square 4255 , Lot 28
Ward / ANC	Ward 5; ANC 5C
Zone	R-1-B
Historic District or Resource	None
Lot Characteristics	The 8.750 square feet lot is L-shaped with frontage on Channing and 22 <sup>nd</sup> Street NE.
Existing Development	The lot is a large asphalt-paved and fenced lot for 40 parking spaces.
Adjacent Properties	The property abuts a warehouse lot to the east and a residential property to the north. It fronts on 22 <sup>nd</sup> Street to the east and Channing Street to the south.
Surrounding Neighborhood Character	The neighborhood to the west and north of the site is low density residential consisting of detached homes with a few small garden apartment buildings. To the south and southwest are low density industrial uses in the PDR-1 (low-intensity industrial) District
Proposed Development	The applicant proposes to continue use of the parking lot as a licensed impound lot for towed cars per parking enforcement by the Department of Transportation (DDOT).

## III. OFFICE OF PLANNING ANALYSIS

The Use Categories under Subtitle B § 200 (y) defines parking use as:

**Parking:**

- (1) A use involving the on-site short or long-term storage of motor vehicles, including surface lots or within structures, when such motor vehicle storage is not provided as accessory parking for another use;
- (2) Examples include, but are not limited to: public parking lot, public parking garage, or private garage; and
- (3) Exceptions: This use category does not include parking that is accessory to another use;

Use permissions in Residential (R) House Zones permit parking as a principal use subject to a special exception provisions under Subtitle U 203 (j).

#### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

##### Special Exception Relief pursuant to § Subtitle U 203 (j)

Parking as a principal use, or accessory parking elsewhere than on the same lot as the principal use, subject to the following conditions special conditions associated with the specific special exception review)

- (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 application requests the continuation of an existing parking lot, although it no longer has a valid Certificate of occupancy.

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

The applicant has addressed the screening requirements of Section 714 but has not provided sufficient information on the landscaping requirements of Section 715. OP has advised that the applicant address the provisions or request relief from this requirement.

- (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 commercial advertising signs are visible on the lot. The lot does not operate as a shot-or long –term commuter parking lot or pay for use lot typical of a commercial lot. The lot provides for the storage of up to forty (40) abandoned and wrecked vehicles through enforcement action by the City.

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

The asphalt-paved lot has been in existence since 2007, prior to the requirement for pervious pavement.

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

The parking use in this case is the principal use of the lot.

- (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;*

Based on records obtained through the Department of Consumer and Regulatory Affairs (DCRA), the applicant owned the lot since 2005 and obtained a business license and certificate of occupancy to operate a vehicle storage lot in 2007, and again in 2009<sup>1</sup>. A valid business license is also noted, which is valid until

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<sup>1</sup> According to the applicant CO091692 was issued on August 19, 2009. This is the subject CO which is revoked by DCRA, as being issued in error.

08/31/2017. According to the applicant, the lot does not serve commercial uses such as long or short-term or commuter parking, nor is it accessory to other business entities. The owner has indicated that the lot operates to store up to 40 vehicles removed from city streets due to enforcement actions by the District Department of Transportation, DC Fire and the District's Metropolitan Police. OP contacted the Department of General Services (DGS) to verify the contractual arrangement between the applicant and the city's referenced departments. DGS indicated that there were no records to indicate that agreement.

The lot operates with an attendant Monday through Thursday from 10:00 am to 12:00 am and to 3:00 am on Friday and Saturday. On Sundays, the lot is operated by on-call basis only for emergency use and there is no attendant to service the lot.

The length of the lot (150 feet) and the lot's entrance gate fronts on Channing Street, N.E., which abuts the PDR-1 industrial zone district and is directly opposite a vehicle repair service use and other low density PDR uses. The width of the lot (50 feet) fronts on 22<sup>nd</sup> Street, with no entrance and is screened by a six-foot tall chain-link fence. This frontage is opposite two small apartment buildings at 2100 Channing Street NE and 2504 22<sup>nd</sup> Street, NE. The property line to the north, which abuts a detached house, is also screened by fencing and low shrubbery to screen the neighbor's view into the subject lot. (See attached photo).

The applicant has stated that the existing landscaping and fencing would be supplemented and fencing repaired as necessary to provide added security and visual enhancement to the surrounding public space.

The records have not indicated enforcement actions against the lot's operation since that time to present. OP has no information on record or filed at the time of the writing of this report indicating that the lot has been a nuisance in terms of noise traffic or trash.

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

The present character of the neighborhood might not be adversely impacted by the lot's continued operation. The lot seems to have operated at this location for the past seven to eight years without enforcement action or other adverse impacts to the residences which front on 22<sup>nd</sup> Street. However, residents may not have realized that this is not a by-right permitted use.

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

This is not applicable as the lot does not serve other nearby uses.

- (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;*

The parking on the lot is located entirely within 200 feet of the adjacent PDR-1 zone. As stated by the applicant, the parking spaces serve the service needs of the City's vehicle enforcement, but no documentation to this effect has been provided at the writing of this report.

### **Subtitle C Section 710 (b) (5)**

Within all R and RF zones 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**.

### **714 SCREENING REQUIREMENTS FOR SURFACE PARKING**

714.1 Screening shall be required for any external surface parking spaces located:

*(a) Within a zone other than a PDR zone; or*

*(b) In a PDR zone and abutting property that is not within a PDR zone; and*

*(c) Residential uses on lots with a maximum of three (3) dwelling units are not required to be screened.*

The lot is located within the R-1-B District. Chain link fencing is provided, and the applicant has indicated that an improved fence for screening would be provided.

714.2 *Screening of external surface parking shall be provided in accordance with the following provisions:*

*(a) Screening shall be provided around the entire perimeter of the surface parking area;*

*(b) Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street, sidewalk or alley. No individual gap may exceed twenty feet (20 ft.) in width; and*

*(c) The screening shall be either:*

*(1) A wall or solid fence at least forty-two (42) inches high; or*

*(2) Evergreen hedges or evergreen growing trees that are thickly planted and maintained, and that are at least forty-two (42) inches in height when planted, and maintained in perpetuity.*

The lot is currently screened in its perimeter by chain-linked fencing with some screening. While the applicant has stated that the fencing would be improved it would have to be a solid wooden fence to satisfy the criteria above.

714.3 *The Board of Zoning Adjustment may grant, as a special exception, a modification or waiver of these screening requirements. In addition to the general requirements of Subtitle X, the Board of Zoning Adjustment may consider:*

*(a) Impacts on the pedestrian environment within adjacent streets, sidewalks, and other public areas;*

*(b) Existing vegetation, buildings or protective and screening walls located on adjacent property;*

*(c) Existing topographic conditions;*

*(d) Traffic conditions; and*

*(e) In granting a modification or waiver, the Board of Zoning Adjustment may require any special treatment of the premises that it deems necessary to prevent adverse impacts on neighboring properties or the general public.*

No special exception request from the requirements has been submitted with this application.

## **715 LANDSCAPING REQUIREMENTS FOR SURFACE PARKING LOTS**

715.1 *Surface parking lots with ten (10) or more parking spaces shall conform to the landscaping, tree canopy cover, and lighting requirements of this section:*

715.2 *A minimum of ten percent (10%) of the total area devoted to parking, including aisles and driveways shall be covered by landscaped areas planted with trees and shrubs.*

715.3 *The landscaping shall be maintained in a healthy, growing condition. Dead or dying plant material shall be replaced.*

715.4 *The landscaping shall be designed and maintained to accept storm water runoff from the surrounding parking area.*

715.5 *All end islands of parking rows longer than nine (9) parking spaces, and all areas otherwise not used for ingress and egress, aisles, and parking spaces shall be landscaped.*

715.6 *The following shall not count towards the landscape area requirements of this section:*

*(a) Landscape areas of less than one (1) foot in any horizontal dimension;*

*(b) Landscaping around the perimeter of the parking area greater than a distance of six feet (6 ft.) from the parking pavement area;*

*(c) Moveable planters;*

- (d) Any landscape area with a soil depth of less than one (1) foot; or*
- (e) Permeable surface area used for parking or access to parking, or otherwise incapable of being landscaped.*

*715.7 The parking area shall be provided with the equivalent of one (1) canopy tree per five (5) parking spaces subject to the following requirements:*

*(a) Trees of the species listed in the District Department of Transportation Green Infrastructure Standards shall be planted with the following conditions:*

*(1) For every tree planted from the list of small trees, a tree from the list of medium or large trees, or a substitute approved by the Urban Forestry Administration (UFA), shall be planted;*

*(2) Species not on the list in Green Infrastructure Standards may be planted if determined by the UFA to be equivalent to species from the list; and*

*(3) The Zoning Administrator may accept any written communication from the UFA as approval of a tree species;*

*(b) Trees shall be planted in areas that are included in the landscaped areas required by Subtitle C §§ 715.4 and 715.5; and*

*(c) New trees, or existing trees that are retained, shall count toward the tree requirement based on the following:*

*(1) Preservation of existing trees and vegetation shall be given special consideration, contingent upon adequate tree preservation techniques being applied to ensure a high survival rate;*

*(2) All newly planted trees shall have a minimum diameter of two and one-half inches (2.5 in.) in diameter;*

*(3) All trees shall be planted or retained in a space that provides a minimum of five hundred (500) cubic feet of soil volume per tree;*

*(4) Trees shall be planted a minimum of four feet (4 ft.) from any protective barrier, such as curbs or wheel stops with no horizontal dimension less than four feet (4 ft.) and a minimum depth of three feet (3 ft.); and*

*(5) If tree planting areas are located adjacent to vehicle overhangs, trees shall be planted within one foot (1 ft.) of lines extending from the stripes between parking spaces.*

*715.8 Any lighting used to illuminate a parking area or its accessory buildings shall be arranged so that all direct light rays are confined to the surface of the parking area.*

*715.9 The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction in the landscape standards for parking lots required by this section if, in addition to meeting the general requirements of Subtitle X, the applicant demonstrates that complying with the landscape standards is impractical because of*

*size of lot, or other conditions relating to the lot or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable.*

The applicant has not addressed the landscaping requirements of §705 to date. If the applicant deems these requirements impractical or unduly restrictive, relief from this section would also be required per § 715.9 above. However, in general, OP feels that these requirements should be met.

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

Based on the lack of information for Section 715 above, OP cannot conclude that the proposal would be in harmony with the intent of the Regulations.

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

The proposal to permit continued use of the parking lot should not unduly affect adversely the use of neighboring property, if all the requirements noted above are satisfied. At this time, additional information would be required from the applicant.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

DDOT's report was filed to the record on November 21, 2016 (Exhibit #26). No other agency reports have been filed at the writing of this report.

**VI. COMMUNITY COMMENTS**

At the writing of this report, comments from the ANC5C or other community members were not received into the record. Further, the record does not indicate whether the applicant provided the addresses and notified the property owners within 200 square feet as required or whether the property was posted as required.



Attachment: Location Map

