



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA

CATHEDRAL HEIGHTS • CLEVELAND PARK
MASSACHUSETTS AVENUE HEIGHTS
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Single Member District Commissioners
01-Lee Brian Reba; 02- Gwendolyn Bole; 03-David Valdez
04- Arthur Barkmann; 05- Margaret Siegel; 06-Carl Roller
07- Victor Silveira; 08-Catherine May; 09-Nancy MacWood

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ANC 3C Resolution No. 2016-018
Regarding DDOT Public Space Application (#113460) for Parking
Spaces at 3855 Massachusetts Avenue NW

WHEREAS the Owner of 3855 Massachusetts Avenue NW, also known as Embassy Church, has filed for a Public Space permit to locate several parking spaces on its property within the public space set-back, as well as in front of its property in the area known as Hamilton Circle, a planned Circle, as detailed in the DC Transportation Online Permitting System (“TOPS”) Public Space Application #113460;

WHEREAS, the area known as Hamilton Circle, located in the intersections of Massachusetts Avenue, Idaho Avenue and 39th Street NW, is a major intersection, with several neighboring properties, including two R-5 residential buildings, two churches, and two R-2 housing districts, with all properties bordering Hamilton Circle respecting the public space set-back by locating their parking within the proper set-back regulations, except for the owners residing at 3855 Massachusetts Avenue, NW, which has a private driveway and private parking spaces located within such public space, without having received any public review to date;

WHEREAS, the entirety of Hamilton Circle is located within two ANC districts, ANC3B and ANC3C, with the property at 3855 Massachusetts Avenue NW, being located within the boundaries of the ANC3C, and adjacent to the boundaries of the ANC3B;

WHEREAS, the property at 3855 Massachusetts Avenue NW and neighboring public space has 30 existing parking spaces, as detailed in the application, with no documentation available detailing the permit history for said parking spaces;

WHEREAS, the AN3C finds that

- a) of the 30 parking spaces, 13 are located on the private space of the property (albeit within the public space set-back, aka building restriction area in front of the Church, a zoning violation),
- b) 17 of those parking spaces are located on the public space of Hamilton Circle, outside the perimeter of the property, as observed in the DC Zoning Atlas, with no record of having paid rent for public space ever, and
- c) a driveway servicing the parking area with no permit records as well;

WHEREAS, neither the 17 parking spaces on public space, nor the 13 parking spaces within the public parking space of the property, nor the driveway servicing these parking spaces have ever been subject to proper public review by the ANC3C to date;

WHEREAS, the owner of the property has a history of operating without the proper regulatory permits, and has been the subject of several ANC3C Resolutions, including Resolution 2015-005, regarding its improper use of the space on and abutting Hamilton Circle;

NOW THEREFORE, BE IT RESOLVED that ANC3C is of the opinion that the public space of Hamilton Circle should be respected by all neighboring properties. This particular planned traffic circle extends to the lots on all six corners (intersected by three streets), and has provided open green space that should be preserved as such. Other than this property, there are no other parking lots on or abutting Hamilton Circle. Allowing a private parking to exist on this public space will set a dangerous precedent that for future private parking lots in the remainder of Hamilton Circle, and will reverse decades of protecting this circle from the encroachment of development on public space. This property's parking lot is a serious mistake that sets a harmful precedent, and should be corrected;

BE IT RESOLVED, that this ANC has received no records that confirm or support in any way that the parking was a part of the original construction. This ANC finds that any allegation that this parking existed in public space when the building was first built is a highly speculative proposition that should not form the basis of any decision to grandfather the existing parking lot into the public space rental system;

BE IT RESOLVED, that ANC3C finds that the 17 parking spaces on Public Space are not a part of the character of the neighborhood, with such parking spaces considered a nuisance that decreases public space use by the residents, hereby improperly appropriating a part of public space for private use, without any prior public review whatsoever;

BE IT RESOLVED, the ANC3C supports preserving the integrity of the public space of Hamilton Circle, and objects transforming this green public space into a private parking lot. Whereas, Hamilton Circle is a major planned landmark of our City, that should be preserved, protected, and should not be developed as a private parking lot;

BE IT RESOLVED, the ANC3C opposes the Public Space Application #113460, and objects to any placement of public or private parking within the public space of Hamilton Circle, or any other property abutting Hamilton Circle. Specifically, the ANC3C objects to the 17 parking spaces on the public space of Hamilton Circle, on the grounds that any implicit temporary permit to use said public space should be revoked (the fact that the property enjoyed free parking on public space in the past, does not mean that such use should continue). The ANC3C objects to the permanent alteration of Hamilton Circle with parking spaces, because Hamilton Circle should remain a part of the Park System of Washington, DC;

BE IT RESOLVED the ANC3C objects to the 13 parking spaces located in front of the property located within the public space setback, which is a violation of Zoning Rules (Title 11 DCMR §2116.4 and others), and requests the Zoning Administrator to review the 13 parking spaces located within the Church Property for compliance with the Zoning Regulations. Specifically, the

number of parking spaces should be reduced to no more than 3 parking spaces (per Title 11 DCMR §2116.3), unless the owner files and receives a special exception;

BE IT RESOLVED this Resolution replaces the previous Resolution ANC 3C Resolution No. 2015-043, dated November 16th, 2015;

FURTHERMORE, BE IT RESOLVED, that given the lack of prior public review of the driveway servicing 3855 Massachusetts Avenue NW, the ANC3C requests DDOT Public Space review the configuration and placement of the driveway after the issue of the parking on the property has been addressed, with the intent of minimizing the adverse impact of the private driveway of this property on the public space of Hamilton Circle;

BE IT FURTHER RESOLVED that the Chair and the Commissioner for SMD 3C07, or their designees, are authorized to represent the commission on this matter.

Attested by

A handwritten signature in blue ink, appearing to read 'Carl Roller', is written over a light blue horizontal line.

Carl Roller

Chair, on March 21, 2016

This resolution was approved by a roll-call vote of 6-0-2-1 on March 21, 2016 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.