

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: February 28, 2012

SUBJECT: **BZA Case 18323** – special exception request to continue an existing accessory parking lot located at 3831 McKinley Street NW.

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I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of this request for special exception relief in accordance with § 214 to continue the existing 56 space accessory parking lot on the subject properties subject to the following approval conditions, all of which are carried forward from the last Board of Zoning Adjustment (BZA) approval (Order 17065):

1. Approval shall be for a period of FIVE YEARS.
2. A parking attendant from Magruder's shall be present on lot during core hours of operation (10:00 a.m. - 6:00 p.m.) and shall assist in keeping the alley clear of vehicles and monitor the entry of vehicles from McKinley Street into the lot.
3. The parking lot, the retaining wall, and the adjacent landscaping shall maintained, policed, and kept in prime condition.
4. The lot shall be secured with a gate, chain or cable during all hours that it is not in operation.
5. Deliveries to the store, which occur from the lot, shall be limited to the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday and between 9:00 a.m. and 3:00 p.m. on Sunday. All vendors shall be instructed that hone blowing is not allowed at any time. Store personnel shall be signaled through alternative means provided by Magruder's.
6. Applicant shall install and maintain professionally lettered traffic signage indicating the entrances to and exits from the lot. The applicant shall install appropriate signs to advise vehicle operators not to block the sidewalk. All crosswalk markings between the parking lot entrances shall be visible and maintained/repainted as required, including required markings on the driveway connected to McKinley Street to reinforce the location of the entrance.

II. LOCATION AND SITE DESCRIPTION:

Address:	3831-26 McKinley Street NW
Legal Description:	Square 1860, Lots 5, 6, 7, 17 and 18
Ward:	3G
Lot Characteristics:	A series of five lots totaling approximately 25,021 square feet (0.57 acre) between the McKinley Street intersection with 39th Street and the north-south alley 15-feet that extends between McKinley Street and 39 th Street.

Zoning:	R-2– accessory parking lots are allowed by special exception in this district.
Existing Development:	A 56-space paved parking lot with a driveway entrance from McKinley Street and an exit onto 39th Street NW via the existing alley. The site is bordered with a masonry wall approximately 42 inches tall on the west and south sides. Mature landscaping and grassy areas within and outside the parking area appear to be in good condition (refer to Exhibit 1).
Historic District:	None
Adjacent Properties:	One and two-story commercial buildings to the north and east, along Northhampton Street and Connecticut Avenue, respectively. To the south is another accessory parking lot across McKinley Street. All these uses are in a C-1 district that continues along the avenue. The two-story one-family detached dwellings to the west across 39 th Street are in the same R-2 district as the subject properties.

III. PROJECT DESCRIPTION IN BRIEF

Applicant: Robert M. Holland, the owner of record

Proposal: The applicant seeks to continue the special exception relief granted in accordance with § 214 that allows the existing accessory parking lot on the subject properties.

Office of Zoning records indicate that the Board of Zoning Adjustment (BZA) previously approved relief for this use at this location eight times since 1959 (Order 5664). According to the application, these parking spaces would continue to primarily serve customers of the Magruder's of Chevy Chase store (Magruder's) located along Connecticut Avenue NW frontage, across the north-south alley. No expansion or change was proposed to the existing accessory parking facility and no change was requested in the existing approval conditions.

Relief Sought: § 214 - special exception relief to continue the existing accessory parking lot.

IV. OP ANALYSIS

Concurrence the § 214 (accessory parking spaces in a residence district):

214.2 Accessory parking spaces shall be in an open area or in an underground garage no portion of which, except for access, shall extend above the level of the adjacent finished grade.

The accessory parking spaces on this site are in an open area, no portion of which extends above the level of the finished grade of the Magruder's.

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

The accessory parking spaces are all located within 170 feet of the Magruder's to which they are accessory.

214.4 Accessory parking spaces shall be contiguous to or separated only by an alley from the use to which they are accessory.

A 15-foot wide public alley is the only separation between the Magruder's and the accessory parking lot.

214.5 All provisions of chapter 23 of this title regulating parking lots shall be complied with, except that the Board may in an appropriate case appropriate case under § 2303.2 modify or waive

the conditions specified in § 2303.2 where compliance would serve no useful purpose. Discussions with the DC agencies involved with this project revealed that following information.

214.6 It shall be deemed economically impractical or unsafe to locate accessory parking spaces within the principal building or on the same lot on which the building or use is permitted because of the following:

(a) Strip zoning or shallow zoning depth.

It is impractical to locate parking spaces on the same lot as the Magruder's because the building consumes nearly the entire lot. In fact nearly all of the lots in the C-2 district along the Connecticut Avenue frontage of Square 1860 are fully developed with commercial buildings. As a result there is no space left on these commercially-zoned properties for a significant amount of onsite parking.

(b) Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;

The principal Magruder's lot is almost completely improved with the store and the remaining space is too shallow to accommodate the needed parking spaces. It would also be impracticable to demolish an existing building to create a parking lot to serve the existing use.

(c) Unusual topography grades, shape, size, or dimensions of the lot;

The subject lot is not unusual regarding its topography or shape.

(d) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or

Although alley access exists, the lack of sufficient land area on the Magruder's lot prevents the creation of significant onsite parking. Although customers who use the accessory parking lot must exit on 39th Street via a portion of the alley, this alley continues to serve its intended purpose of providing a means for service and delivery vehicles to access the back of Magruder's and the other stores fronting Connecticut Avenue.

(e) Traffic hazards caused by unusual street grades or other conditions.

The subject parking lot alleviates potential traffic hazards that could be caused by shoppers' queuing on Connecticut Avenue in front of Magruder's for grocery pickup. Parking lot ingress and egress along McKinley and 39th Street also provides the necessary separation from Connecticut Avenue to avoid creating additional traffic congestion.

214.7 Accessory parking spaces shall be located, and facilities in relation to the parking lot shall be so designed, that are not likely to become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions.

Traffic circulation into and out of the lot is along McKinley Street and 39th Street, and not Connecticut Avenue where there is heavy traffic flow. The 42-inch brick wall and mature trees on two sides of the lot serve to maintain a level of privacy for the residential dwellings located to the west across 39th Street. The application also states that the applicant, to their knowledge, has not received any complaints about lot operation since the 2003 approval.

214.8 *Before taking final action on an application/or use as accessory parking spaces, the Board shall submit the application to the Department of Transportation for review and report.*

The District Division of Transportation may submit a report to the Board under a separate cover.

Concurrence the § 2303 (parking lot standards):

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.*

As noted in the OP report on previous BZA Application No. 17069, all areas of the accessory parking lot including the driveways, access lanes and parking area are paved with impervious asphalt material that was acceptable to the District Department of Transportation (DDOT). While not required, OP would support site improvements that would add green space or more effectively address storm water management.

- (b) *The parking lot shall be designed so that no vehicle or any part of a vehicle projects over any lot line.*

The accessory parking lot has been designed so that no vehicle or any part of a vehicle projects over a lot line. The lot is enclosed with a combination of walls, landscaping and wheel stops which prevent vehicles from extending beyond the lot 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.*

There is no indication that any other uses are conducted in the parking area.

- (d) *No vehicular entrance or exit shall be within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb line extended.*

The McKinley Street entrance and (alley) exit onto 39th Street are more both than forty feet from the nearest intersections at McKinley and 39th Streets, and 39th and Northhampton Streets, respectively.

- (e) *Any lighting 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.*

Lights for the accessory parking lot are arranged to illuminate the surface of the parking lot without impacting neighboring properties.

- (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.*

When OP conducted a site inspection, the accessory parking lot was free of refuse and debris, and the lot surface appeared to be in good condition. Striping of parking spaces and pedestrian walkway areas was clearly visible. Although it appears that 5% of the total parking lot area is landscaped based on an aerial of the site, OP would support the provision of additional landscaped areas within this facility.

2303.2 In addition to the requirements of § 2301.1, 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 or R-5-A District shall be screened from all contiguous residential property located in any R-1, R-2, R-3, R-4 or R-5-A District by a solid brick 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.

The subject accessory parking lot is adequately screened from the residential properties across 39th Street by a solid brick wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high and by evergreen hedges and evergreen trees that are thickly planted.

- (a) *The parking lot shall be screened from all contiguous residential property located in an R-1, R-2, or R-J, District by a solid masonry wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high.*

A solid brick wall twelve inches (12 in.) thick and forty-two inches (42 in.) high adequately screens the subject accessory parking lot from all residential properties in the neighborhood, which are mostly west of 39th Street.

- (b) *All parts of the lot not devoted to parking area, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved or landscaping. Landscaping shall be maintained in a healthy growing condition, and in a neat and orderly appearance. .*

Based on the site visit by OP, these standards are being adequately met.

2303.3 If approved by the Board of Zoning Adjustment as a special exception under § 3104, the conditions in § 2303.2 may be waived or modified.

Waiver of the referenced conditions was not requested.

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

No special treatments are recommended.

Based on this review the application meets the standards for special exception approval by the BZA.

V. AGENCY COMMENTS

DDOT may provide agency comments under a separate cover.

VI. COMMUNITY COMMENTS

At its November 14, 2011, meeting, Advisory Neighborhood Commission (ANC) 3G voted unanimously to support this application.



BZA Application No. 18323



Government of the District of Columbia
Office of Planning ~ August 31, 2011
This map was created for planning
purposes from a variety of sources.
It is neither a survey nor a legal document.
Information provided by other agencies
should be verified with them where appropriate.

- LEGEND**
- Street Centerlines
 - Zoning Districts