

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
Joel Lawson, Associate Director Development Review
DATE: July 15, 2014

SUBJECT: BZA Case 18799, special exception under section 214, to allow continued use of accessory parking spaces at 3808 - 3816 Morrison Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the special exception under § 214.1 to continue the existing parking lot use subject to the conditions previously adopted in Board of Zoning Adjustment (BZA) Order No 16359. The previous approval included a number of conditions which have either been satisfied or are repetitive of the criteria contained in § 214. Therefore, OP suggests the following changes (proposed additions shown in **bold** and deletions ~~stricken~~):

1. Approval shall be for ten years.
2. Two spaces of the five spaces on the west side of the lot and closest to the entrance to the bank shall continue to be marked for and reserved for the handicapped.
3. ~~All areas devoted to driveways, access lanes, and parking areas shall be maintained with either a paving of material forming an all-weather impervious surface.~~
4. Bumper stops shall be ~~erected and~~ maintained for the protection of all buildings.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the 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.
7. No other use shall be conducted from or upon the premises and no structure other 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 lot 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. **The applicant considers adding landscaping and/or pervious materials should any repair work requiring the removal of the existing paving become necessary.**

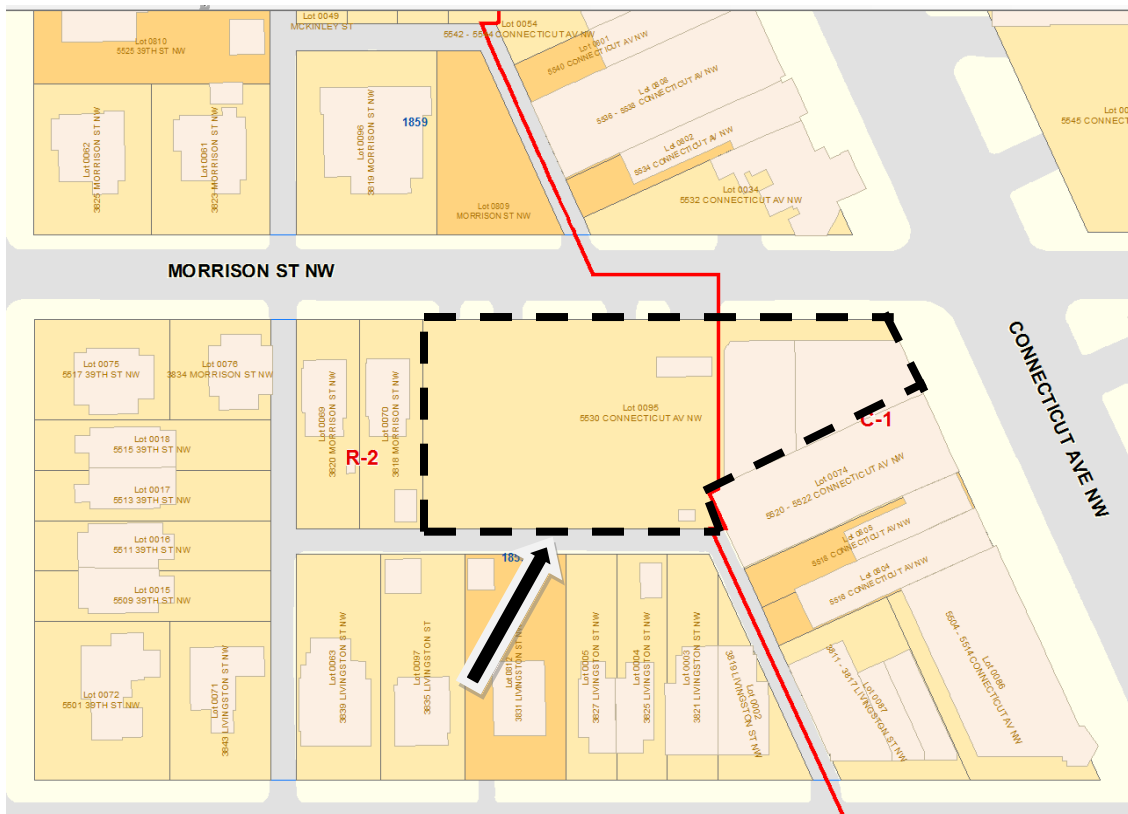
The Applicant has not requested zoning relief for the continued trash storage and pick-up on the Subject Property (owned through an easement by a neighboring property owner). Therefore, OP has not provided this analysis.

II. LOCATION AND SITE DESCRIPTION

Address	3808 – 16 Morrison Street NW (the “Subject Property”)
Legal Description	Square 1895, Lot 95
Ward	3
Lot Characteristics	Square 1859 is bounded by McKinley Street to the north, Connecticut Avenue to the east, Livingston Street to the south, and 39 th Street to the west. The site is approximately 30,348 square feet, with 50 ft. of frontage on Connecticut Avenue NW, and 276.5 feet of frontage on Morrison Street NW.
Zoning	The property is split zoned: R-2: detached and semi-detached single family dwellings C-1: neighborhood retail and personal service establishments
Existing Development	The site includes a PNC Bank Branch on the east side of the site along Connecticut Avenue (zoned C-1), and 27 accessory parking spaces and an ATM drive-through on the western portion of the site (zoned R-2).
Historic District	NA
Adjacent Properties	Adjacent properties include 1-2 story commercial uses along Connecticut Avenue NW and single family dwellings along Morrison St. NW.
Surrounding Neighborhood Character	The surrounding neighborhood is characterized by commercial uses, including restaurants and bars, retail shops, a supermarket, a gasoline service station, and a non-profit movie theater. It also includes single-family and multi-family residential structures.

III. APPLICATION IN BRIEF

Proposal:	PNC Bank (the “Applicant”) requests a special exception to allow continued use of 27 accessory parking spaces in the R-2 zoned western portion of the Subject Property to serve the PNC Bank branch on the C-1 zoned eastern portion of the site. The accessory parking spaces were originally approved by BZA Appeal No. 2124, dated May 20, 1948. The Board subsequently expanded and extended the order pursuant to BZA Order nos. 4927, 5665, 9053, 11726, 12002, 13520, 14484, 14768, and 15920. Currently, the Applicant allows the community to park in the lot during non-business hours. The parking lot gates and signage, which are located inside the Building Restriction Line, may require approval from the D.C. Department of Transportation (DDOT) Public Space Committee.
Proposal (cont):	A neighboring property owner, Chevy Chase Arcade LLC (“CCA”), maintains a dumpster on land owned by the Applicant through a perpetual easement acquired in 1947. Typically, zoning relief is needed to allow trash storage and pick up by a commercial establishment that is located within or abuts residentially zoned property. CCA seeks to continue the trash storage and collection on the Subject Property within the easement area. The Applicant stated that CCA should remove the dumpster from the Subject Property.





Subject Property

IV. OFFICE OF PLANNING ANALYSIS

b. Special Exception Relief pursuant to § 214 Accessory Parking Spaces

i. (special conditions associated with the specific special exception review)

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 lot is in an open area which does not extend above the level of the adjacent finished grade.

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

The accessory parking spaces are located in their entirety within approximately 150 feet of the bank building.

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

The accessory parking spaces on the Site are contiguous to the bank building on its west side. Special exception approval is necessary in this case because the lot is split zoned, with the parking lot located within the R-2 zone.

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 under § 2303.3 modify or waive the conditions specified in § 2303.2 where compliance would serve no useful purpose.*

The Applicant states that all relevant portions of chapter 23 would be complied with, as described in this report.

214.6 *It shall be deemed economically impracticable 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;*
- (b) *Restricted size of lot caused by adverse adjoining ownership or substantial improvements adjoining or on the lot;*
- (c) *Unusual topography grades, shape, size, or dimensions of the lot;*
- (d) *The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; or*
- (e) *Traffic hazards caused by unusual street grades or other conditions.*

The parking spaces are on the same lot (Lot 95) as the bank building. The C-1 portion of the lot is occupied by the bank building.

214.7 *Accessory 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.*

The continued use of the western portion of the Site for accessory parking is not likely to become objectionable to adjoining or nearby properties. The parking lot has been in existence since 1948.

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

The application was submitted to DDOT for review and report.

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 parking lot is paved with material forming an all-weather impervious surface. However, since the last time the use was approved by the Board in

1998, the above provision has been modified to allow for pervious surfaces. Therefore, should the parking lot ever require major repairs the applicant should consider the use of pervious materials to minimize storm water runoff.

- (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 designed so that no vehicle or part of a vehicle projects over any lot or building line. The parking lot is separated from the east lot line by a 21 foot ATM drive-through lane and the bank building. The lot is separated from the south and west lot lines by 14 foot and 12 foot drive aisles, respectively. There is a 15 foot building restriction line along Morrison Street to the north. The parking lot gates and signage, which are located inside the Building Restriction Line, may require approval from the DDOT Public Space Committee.

- (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;*

The parking lot includes a structure for ATM use, which appears to be referenced in BZA Order 9053. OP supports allowing the parking lot to continue to remain open and available as a community parking resource when the bank office is closed, and would not be opposed to this being included in the list of conditions of approval.

- (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 lines extended;*

No vehicular entrance or exit is located within 40 feet of a street intersection measured from the intersection of the curb lines extended.

- (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; and*

According to the application, all direct rays of lighting are confined to the surface of 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 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.*

The parking lot would be kept free of refuse and debris and is landscaped with grass, trees, and shrubs. The amount of landscaping on the site exceeds the five percent landscaping requirement.

2303.2 *In addition to the requirements of § 2303.1, 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 the R-1, R-2, R-3, R-4, or R-5-A District by a solid brick 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 an 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; and*
- (b) *All parts of the lot not devoted to parking areas, driveways, access lanes, attendant's shelter, or required screening walls shall be kept free of refuse and debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.*

The accessory parking lot is screened from the adjacent residential lot by a masonry wall at least 36 inches high, and 12 inches thick, and evergreen hedges that are planted and maintained at a minimum height of approximately five feet. The Site is separated from residential properties to the south by a 15 foot public alley, and is also screened from the alley and the residential properties to the south by a masonry wall approximately 36 inches high, with a seven foot high solid wooden fence on top. All parts of the accessory parking lot are kept free of refuse and debris and are paved or landscaped. All landscaping on the Site is currently maintained in a relatively healthy growing condition and in a neat and orderly appearance.

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.*

The Applicant requests a continuation of the modification from Section 2303.2 with respect to the height of the masonry wall that separates the Site from the adjacent residential property. Section 2303.2(a) requires the masonry wall to be a minimum of 42 inches in height; however, the existing wall on the western and southern boundaries of the Site is approximately 36 inches in height. The evergreen hedges between the wall and the lot effectively screen the property. In addition, the wooden fence on top of the masonry wall to the south is seven feet high.

2303.4 *Before authorizing a waiver or modification, the Board shall consider:*

- (a) *The adequacy of protective and screening walls located on adjacent residential property;*
- (b) *Topographic and traffic conditions; and*
- (c) *Any adverse effect the requested waiver or modification of standards may have on adjacent residential property.*

The existing masonry walls, evergreen hedges, and fences on the Site provide screening from adjacent residential properties to the west and south. According to the Applicant, there have been no changes with regard to the physical conditions or operational character of the parking lot since the prior Board approval in BZA Order No. 16359.

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

As mentioned above, parking spaces are paved with an all-weather impervious surface that requires storm water to either runoff the site or stand until it evaporates. OP would support the gradual introduction a more sustainable pervious parking surface to reduce these impacts.

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

The proposal would allow for the continuation of an existing accessory parking lot that would continue to serve the needs of the commercial businesses located on the east side of the lot facing Morrison Street NW, as provided under Section 214 of the Zoning Regulations.

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

The proposal would allow for the continuance of an accessory parking lot that has been in existence since 1948. Landscaping and masonry walls should continue to screen neighboring properties.

V. COMMUNITY COMMENTS

ANC 3G voted to support the Applicant's request at its regularly scheduled meeting on July 14, 2014.