GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: June 18, 2001

SUBJECT: BZA Application No. 16722, Special Exception to Continue a Parking Lot at 4817 U Street, N.W.

APPLICATION 16722BAA

Application No. ~~16311~~ of F.S.K. Limited Partnership and CVS MacArthur Boulevard, Inc, pursuant to 11 DCMR 3104.1 for a special exception under Section 213 to continue a parking lot in an R-1-B District at premises 4817 U Street, N.W. (Square 1389, Lot 816).

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the special exception, with conditions, to continue the existing parking lot for a term of three years. In view of the problem of the applicant not meeting the conditions of the existing order, until recent efforts to correct problems, the Office of Planning recommends that a simplified reporting procedure be established in this case to identify and address any problems that may arise with this parking lot over the next three years.

BACKGROUND

This application involves a request for what would normally seem to be a simple request for a special exception to extend a long existing parking lot. The case is complicated by the applicant's failure, until recently, to meet the conditions of the existing Board of Zoning Order for use of the parking lot.

The description of the parking lot and its location in the Palisades neighborhood is summarized in the next section. Background and recent events relating to this application are summarized below.

BZA Case No. 16722 Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16722
EXHIBIT NO.24

- The property in this application, which is designed and used as a parking lot, has been used as a parking lot for 55 years (since 1946) pursuant to a series of special exceptions. Note that the parking lot previously served the McArthur Theater and that CVS took over the theater, and the nearby parking lot, in 1997. The first involvement of CVS in the special exception process for the parking lot was in 1998.

- The Board of Zoning Adjustment held the most recent special exception hearing on this property on March 4, 1998 (BZA Application No. 16311). The Board approved the special exception on that date by a bench decision, with 13 conditions, for a period of three years. The Board's order was dated July 16, 1998.

- According to letters (in the record) from ANC-3D and the Palisades Citizens Associations, a variety of problems with this parking lot have not been addressed for most of the past three years.

- In recent months, CVS has recognized the problems and begun to take corrective actions, in anticipation of coming back to the Board of Zoning Adjustment for a new special exception to continue the parking lot.

- ANC-3D and the Palisades Citizens Association have recommended approval of the special exception for a period limited to three years, with essentially the conditions included in the 1998 order.

- The Palisades Citizens Association has made a major point about the need for a new condition that would provide the BZA, ANC-3D and the Palisades community assurances that CVS will follow and implement the conditions outlined in the new BZA order.

SITE AND AREA DESCRIPTION

The parking lot site (Square 1389, Lot 816), with premise address at 4817 U Street, N.W., is located on the north side of U Street about a half-block off MacArthur Boulevard. U Street at this point is a one-block street section that intersects MacArthur Boulevard on the west and, a block to the east, turns north at right angles and becomes 48th Street, N.W. The parking lot property is rectangular in shape with an area of approximately 31,000 square feet (approximately 200 feet along U Street with a depth of approximately 155 feet). The parking lot has 78 parking spaces. The eastern edge and part of the northern edge of the property is landscaped and wooded, which shields adjacent houses from the parking lot. The parking lot slopes slightly from the south, at U Street, to the north. The parking lot adjoins the adjacent Safeway parking lot, but the two parking lots are not connected. The entrance driveway to this parking lot is about 124 feet from the intersection of U Street and MacArthur Boulevard.

This parking lot serves the CVS Store in the former MacArthur Theater building at the southeast corner of the intersection of MacArthur Boulevard and U Street. The lot also serves other nearby retail businesses and community uses.

The parking lot is located in a R-1-B district, immediately adjacent to the C-2-A District along MacArthur Boulevard. The C-2-A District, which includes the CVS store, comprises the major commercial center on MacArthur Boulevard in the Palisades neighborhood of Ward 3. This commercial area is indicated as a local neighborhood center on Generalized Land Use Policies Map.

APPLICANT'S PROPOSAL

The applicant is requesting approval of a special exception to continue use of the property as a parking lot. The applicant has recently been meeting with the community and undertaking a number of improvements to eliminate past problems. These actions include removing old vehicles, cleaning the lot, improving landscaping, installing four new lighting standards in the center of the lot and planning for repair and extension of the sidewalk. An improved regular maintenance program has been instituted. The applicant understands the community's request to limit approval of the special exception to three years.

ANALYSIS

This is a logical location for a parking lot and this parking lot has been in existence for 55 years. The parking lot serves the CVS Store, nearby businesses and community uses. The Office of Planning believes this parking lot meets the requirements of Section 213 of the Zoning Regulations and most of the requirements of Section 2303.1 and 2303.2. The problem with this parking lot, as indicated by the community, is that the applicant has not adequately maintained the parking lot over the past three years. There have been problems of trash, abandoned cars, no new landscaping and inadequate lighting.

The applicant has corrected, or is continuing to correct, these problems and has pledged an improved maintenance program and communication with the community in the future. The Office of Planning believes these problems can be addressed.

The issue in this case is not so much the approval of the special exception, but what steps the Board may want to take to insure that past problems are not repeated. The Office of Planning believes that some type of regular reporting procedure should be adopted for the next three years, as suggested by the community. At the same time, it is not necessary to suggest a reporting procedure that would be too burdensome to the applicant, the community, or the Board.

The Office of Planning recommends that a new condition be added that would require the applicant and the community to report to the Board, on a yearly basis, the status of the maintenance program and the condition of the parking lot. In addition, the community (ANC-3D and the Palisades Citizens Association) should be encouraged to communicate with the Board in between yearly reports if problems arise.

ANC AND COMMUNITY GROUPS

On May 2, 2001, at the regular ANC meeting, ANC-3D voted to recommend approval of the special exception requested in this case for a period of only three years. The support by ANC-3D is indicated in a May 18, 2001 letter to the Board of Zoning Adjustment. The letter also notes the 13 conditions that were included in the 1998 Order approving the special exception for three years. The letter indicates that CVS has ignored the 1998 order and seriously neglected this parking lot, causing great concern to the community. Several examples of neglect and problems are cited. The letter notes that CVS acknowledged at the May 2 meeting that the parking lot had been neglected and that steps are being taken to address the problems. The ANC letter notes that the 1998 BZA order also specified continued community use of the parking lot. CVS indicated at the May 2 meeting that community use would be allowed to continue.

In light of the problems over the past three years with this parking lot, ANC-3D voted to recommend that the BZA approve a special exception to allow continued use of the parking lot by CVS, but only for three years and with the inclusion of the conditions that were in the 1998 order. The letter notes that the Palisades Citizens Association and CVS are working to clarify the previous conditions 11 and 12. These two conditions dealing with screening are somewhat in conflict.

A letter of June 5, 2001 to ANC-3D from CVS Realty Co. outlines steps being taken to address the problems at the lot, including installation of new lighting, sidewalk repair and continuing maintenance and clean-up.

A letter of June 4, 2001 to the Board of Zoning Adjustment from Penny Pagano, President of the Palisades Citizens Association, describes past problems with the parking lot in considerable detail. The Palisades Citizens Association recommends that the special exception be approved for three years, with the same conditions as in the 1998 order (the letter notes that conditions 11 and 12 from the 1998 order can be combined). The Association requests that continued use of the parking lot by the community be included in the order. The Association makes a major point about the need for a new condition that would provide the BZA, ANC-3D and the Palisades community assurances that CVS will follow and implement the conditions outlined in the new BZA order.

OTHER AGENCY COMMENTS

This application has been referred to the Department of Public Works (DPW) for review. At the time of filing this report, the Office of Planning has not received the DPW report.

RECOMMENDATION

The Office of Planning recommends that the Board of Zoning Adjustment approve a special exception to continue use of the parking lot, with the following provisions:

- The special exception be **approved** for a period of **three years.**

- The conditions adopted in the 1998 order be included in the new order, except that conditions 11 and 12 (dealing with screening) can be combined and reworded as being worked out by CVS and the community.

- The use of the lot for community use be clarified in the order.

- CVS should provide the Board with a list of the corrective actions and improvements to the parking lot. Some of the steps already taken are outlined in the Applicant's submission of June 12 and all or almost corrective actions will likely have been completed by the June 26 hearing. If not all completed, the Board should ask the Applicant to submit an updated list of improvements and ongoing actions when all improvements are completed. Note that completion of all the improvements should not delay approval of the special exception.

- The Board should establish a procedure in this case, for the term of the approved special exception, for CVS and the community to report to the Board on the ongoing management and maintenance of the lot. This might take the form of a written report to the Board every year (i.e. after one year, two years and at the time of the next application for a special exception to continue the parking lot). The community would retain the right to notify the Board any time during the next three years of any problems with the management and maintenance of this parking lot.

Attachment

AA/jf



Zones
Squares

BZA Application # 16722
Special Exeption to Continue a Parking Lot at 4817 U St, NW
DC Office of Planning

0 10 20 30 Feet

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