GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: D.C. Board of Zoning Adjustment (BZA)

FROM: Andrew Altman
Director

DATE: July 29,2003

SUBJECT: BZA Application No. 17046 - Accessory Parking Lot
Special Exception Report

APPLICATION-IN-BRIEF

Pursuant to 11 DCMR 3104, the applicant is seeking a special exception under § 214 to continue the use as an accessory parking lot in R-2 District, at premise 3820-26 McKinley Street, N.W. The subject property is on Square 1859, Lots 49, 50, 51 and part of lot 92.

OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning (OP) recommends the application be approved, contingent upon the nine conditions included in the previous Board approved.

SITE DESCRIPTION

The property known as 3820-26 McKinley Street is located in the Friendship Heights neighborhood of Ward 3. It is on the south side of McKinley Street, N.W., which is generally bounded by McKinley Street to the north, Morrison Street to the south, Connecticut Avenue to the east and 39th Street to the west. Single-family detached dwellings are the predominant use in the Friendship Heights neighborhood. The subject parking lot is less than a block from Connecticut Avenue, where convenient commercial services are available along both sides of the Avenue, between Livingston Street and Western Avenue. The parking lot is accessible directly from McKinley Street, and through a north south 15-foot alley from two points on Morrison Street.

BZA Case No. 17046 Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17046
EXHIBIT NO. 23

The Board had previously approved the referenced parking lot for accessory parking purposes. The most recent approval by the Board, Order No. 16329, was on May 6, 1998. That approval has since lapsed and the applicant is seeking to re-establish and continue use of the property as an accessory parking lot. The 1998 Board approval was granted, subject to the following conditions:

1. Approval shall be for a period of **FIVE YEARS,** beginning on the effective date of the order,

2. No trash dumpster shall be located on the portion of the lot zoned residential.

3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

4. Bumper stops shall be erected and maintained for the protection of all adjoining 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 and 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 than an 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 buildings shall be so arranged that all direct rays of such lighting be confined to the surface of the parking lot.

9. Representatives of the owner of the property shall establish and maintain a liaison with Advisory Neighborhood Commission 3G, to discuss problems that may arise in connection with the operation of the parking lot, to ensure that it continues to have no objectionable impact on the immediate area.

The subject property has served as an accessory parking lot for retail establishments on the 5500 block of Connecticut Avenue for the past 35 years. It is currently used as by CVS, Chevy Chase Wine Spirits and other retail establishments on the west side of Connecticut Avenue at McKinley Street. The subject lot is used as a self-parking, short-

Term parking lot, serving the adjacent retail uses. The parking lot also provides parking opportunities for community use and other neighborhood functions, on the weekend, during non-peak hours.



ZONING ANALYSIS

214 ACCESSORY PARKING SPACES (R-1)

214.1 Accessory passenger automobile parking spaces elsewhere than on the same lot or part of the lot on whish any principal R-1 use is permitted, except for a one-family dwelling, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

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 at the subject parking lot are in an open area, no portion of which extends 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 well within two hundred feet (200 ft.) of the retail center 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 public alley is the only separation between the retail center 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 under § 2303.2 modify or waive the conditions specified in § 2303.2 where compliance would serve no useful purpose.

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 deemed economically impractical to locate accessory parking spaces within the principal building or on the same lots on which the building or use is permitted because the principal lot is fully developed with seven retail establishments. The area of the principal lot (which fronts on Connecticut Avenue and ends at the 15-foot public alley at

the rear of the building) is too shallow in depth to accommodate enough parking spaces needed for the retail center.



Front of principal building at Connecticut & McKinley.

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



Rear, principal site.

The principal lot is mostly improved with seven retail establishments. There is very little space remaining to accommodate needed parking spaces. There are approximately 10 parking spaces on the principal lot, located diagonally along the west side of the alley, adjacent to a wall which serves as the separation between the C-1 ant the R-1 Districts.

(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.

There is no vehicular ingress or egress or alley, which provide access from the front of the retail center to the rear parking area. Access to the accessory parking lot is provided from McKinley Street, through a north south alley and from Morrison Street, at two different points on the north south alley.

The area of Connecticut Avenue (west side, between McKinley & Morrison Streets) is intensely used by both pedestrians and vehicular traffic. Connecticut & McKinley is also a major transfer point for at least three METRO bus lines. It would be impracticable to demolish an existing building to create a parking lot.

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.

The subject accessory parking lot is designed so that it is not likely to become objectionable to adjoining or nearby properties because of noise, traffic, or other objectionable conditions. There is a wall of approximately 6-feet at the north end



North view, subject accessory parking lot.



South view, subject accessory parking lot.



East view, subject accessory parking lot.



West view, subject accessory parking lot.

of the lot and mature trees beyond the wall, which buffers the parking lot from properties on the north side of McKinley Street. At the south end of the lot, there is a wooden fence above a 3-foot brick wall, which serves to provide a level of privacy for the residential dwelling on the north side of Morrison Street. The wall is on the boundary with the east west alley, south of the parking lot. There is a 3-foot wall at the east side of the accessory parking lot, which divides the principal lot parking spaces (approximately 10 diagional spaces) from the accessory lot. There is also a slight drop in grade from the rear of the principal lots to the accessory lot, which serves to buffer some of the accessory lot. There is a wall of at least 6-feet at the west side of the subject lot, abutting a north south alley, and mature trees on the alley side of the wall. The wall and the trees buffer the parking lot from properties fronting on both McKinley and Morrison Streets, west of the subject parking lot.

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

OP has been informed that The District Division of Transportation (DDOT) will submit a report to the Board that will support the application.

2303 PARKING LOTS

2303.1 A parking lot in any district shall conform to the flowing provisions:

(a) All areas devoted to driveways, access lanes, and parking area shall be paved and maintained with bituminous concrete or brick material, or a combination of these materials or other materials approved by the Department of Transportation as structurally equivalent or better, that form an all-weather impervious surface, and that are a minimum of four inches (4 in.) in thickness.

The subject accessory parking lot, including all areas devoted to driveways, access lanes and parking area are paved with asphalt material, which is acceptable by the Department of Transportation. The surface materials are considered as structurally equivalent or better, and it forms an all-weather impervious surface, that is a minimum of four inches (4 in.) in thickness.

(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 project over and lot line. There are walls around the entire perimeter of the accessory parking lot, except at the entrance at the southeast corner of the lot.

(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 subject accessory parking lot is used only for accessory parking purpose.

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

There is no vehicular entrance or exist at the subject accessory parking lot, within forty feet (40 ft.) of a street intersection as measured from the intersection of the curb line 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.

Lights for the accessory parking lot are located along the eastern boundary, (two sets) of the lot and are arranged to direct rays of light to the surface of the parking lot, without impacting neighboring properties.



Lighting subject 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.

When OP conducted a site inspection on July 15, the general appearance of the lot was less than desirable. OP raised this issue with the owner's representative and a general cleaning action was implemented.



Condition of subject lot.

There is minimum landscaping within the parking lot. But there are mature evergreen trees on

the public space to the north, south and west of the lot.

2302.2 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.

A solid brick wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high *adequately screens the subject accessory parking lot, from all contiguous residential properties in the adjacent areas. There are also mature evergreen trees on the public space to the north, south and west of the subject parking lot. The retail center is to the east of the parking lot.*



Brick wall at north end of parking lot, west view.

(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.

A solid brick wall at least twelve inches (12 in.) thick and forty-two inches (42 in.) high adequately screens the subject accessory parking lot, from all contiguous residential properties in the adjacent areas.

(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.

OP conducted a site inspection on July 15. At that time, the parking lot did not reflect that general maintenance was occurring on a regular basis, as stipulated among nine conditions included in the previous Board approval. (BZA Application No. 16329, Condition # 6). OP raised the lack of maintenance issue with the owner's representative and the lot was generally cleaned-up.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map depicts the site as Low Density Commercial/Residential. Commercial uses are along the Connecticut Avenue frontage and low-density single-family houses are the remaining predominant land use in the area. The Plan further delineates the areas to the south and west of the site as being in the low-density residential land use category.

DOES THE APPLICATION MEET THE SPECIAL EXCEPTION TEST?

Can the requested special exceptions be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map?

The subject site has been Board approved for parking purposes over the past 35 years. The applicant's special exception request, anticipate using the parking lot in the same manner. There is no reason to expect the continuation of parking at the subject site to result in inconsistencies with the general purpose and intent of the Zoning Regulations and Zoning Map.

Will the granting of a special exception tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map?

The subject parking lot meets the above requirements. The prior histories of the site being approved as a parking lot, by the Board over a 35-year period, and the prior issuance of Certificate of Occupancy for parking purposes, are evidences of compliance with these requirements.

The applicant has satisfactorily provided support for the requested relief from the requirements of Section 3104 of the zoning regulations, by demonstrating that the proposed accessory parking lot can be in harmony with the general purpose of the Zoning Regulations and will not tend to adversely affect adjacent properties. Specifically:

The parking lot also meets the other requirements of §2303. Specially, (d) there are no vehicular entrance or exit within 40 feet of a street intersection; (e) The parking lot will be lighted so that all direct rays of light are confined to the surface of the parking lot; and (f) the parking lot is kept free of refuse and debris and shall be landscaped. Further, the parking lot is screened from all contiguous residential properties by a masonry wall that is a minimum of twelve inches thick and forty-two inches high.

The lack of available parking for in the retail buildings makes the adjacent parking lot necessary to provide parking for the commercial uses. The accessory parking lot provides a reasonable and necessary function, by offering convenient parking opportunities for customers of the nearby retail/commercial establishments located on the adjacent lots.